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# Land south of Chiswell Green Lane

## **Planning Statement** (Including Affordable Housing Statement)

**On behalf of  
Alban Developments Limited and Alban Peter Pearson, CALA  
Homes (Chiltern) Ltd and Redington Capital Ltd**

**March 2022**

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Prepared on behalf of

**Alban Developments Limited and Alban Peter Pearson, CALA Homes  
(Chiltern) Ltd and Redington Capital Ltd**

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## 1.0 INTRODUCTION

1.1 This Planning Statement has been prepared by Barton Willmore (now Stantec) on behalf of Alban Developments Limited and Alban Peter Pearson, CALA Homes (Chiltern) Ltd and Redington Capital Ltd (the 'Applicants') in support of their Outline Planning Application (the 'Application') for the residential-led development of land south of Chiswell Green Lane, Chiswell Green (the 'Site'). A Site Location Plan is attached as [Appendix 1](#).

### i) The Site & Background Context

1.2 The Site comprises two contiguous parcels of land. Alban Developments Limited and Alban Peter Pearson own the southern half of the Site, and CALA Homes (Chiltern) Ltd have a controlling interest. Redington Capital Ltd have a controlling interest in the northern half of the Site.

1.3 The Site is located within the Metropolitan Green Belt and comprises a riding school and stables, horse grazing fields and a derelict farmhouse and outbuildings. It is located outside but adjacent to the settlement boundary of Chiswell Green, to the southeast of St. Albans City. Further details on the Site are set out in Section 3.

1.4 The Site has been promoted through various iterations of the emerging Local Plan, and its associated evidence base, for residential-led purposes for more than 10 years. Having been identified through the Green Belt Review<sup>1</sup> process as one of eight strategic sites and assessed as causing the least harm to the purposes of the Green Belt, it was proposed as a strategic site allocation (Broad Location S6x) in the now withdrawn Publication Draft St Albans Local Plan (Sept 2018). So far as the Site has been consistently identified as a sustainable and suitable location for new housing development, there is every reason to believe that this site allocation will be retained in the new draft Local Plan when it progresses through the plan-making process towards adoption in 2025/26.

1.5 With this in mind, the Applicants have and will continue to promote the Site as an allocation and offer SACDC its full support in progressing this. However, in the context of the acute and persistent shortfalls in housing delivery and the ongoing delays in bringing forward a plan that adequately provides for the District's full objectively assessed housing needs, the Applicants have taken the decision to submit this planning application to enable its release now; a step that should be viewed positively given the profound difficulties SACDC faces.

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<sup>1</sup> Green Belt Review: Purposes Assessment (2013) & Green Belt Review Sites and Boundaries Study (February 2014)

1.6 The Site falls outside the settlement boundary in an area designated as Green Belt within the adopted Local Plan. It is accepted that this application seeks to bring forward development in the Green Belt and unless very special circumstances can be demonstrated new housing will be considered inappropriate. In an authority where there exists a current policy vacuum, the production of a new and sound local plan to meet up to date identified needs has been severely delayed, the presumption in favour of sustainable development applies not just on one count, but three – a substantial shortfall in 5 year housing land supply, a 69% Housing Delivery Test result and out of date development plan policies – and there is a recognised need for significant Green Belt release if future needs are to be met, it is considered that these circumstances when considered alongside the merits of the application site (as a site consistently identified by SACDC’s evidence base to be a site suitable for release), amongst other planning benefits, conspire to represent very special circumstances sufficient to warrant its release now.

**ii) Nature of the planning application**

1.7 The Application seeks outline planning permission for a landscape-led housing development comprising the following key components:

- Demolition of existing structures and construction of up to 391 homes;
- 40% affordable homes provision (including First Homes);
- 3% self-build plots;
- The provision of land for a new 2FE primary school;
- Publicly accessible amenity space and children’s play space;
- Habitat space and the offer of a contribution to enhance habitats offsite (to achieve a 10% biodiversity net gain);
- New access arrangements into the Site from Chiswell Green Lane, Long Fallow and Forge End;
- Adjustments to existing car parking, footpath, cycle path and highway arrangements along Chiswell Green Lane, Watford Road, Long Fallow, Forge End, Farringford Close; and
- A sustainable form of development.  
(the ‘Proposed Development’).

1.8 The Application is submitted in outline, with all matters reserved apart from ‘Access’ for which full details are provided as part of this application. Matters of appearance, landscape, layout and scale are to be determined via reserved matters applications.

1.9 The Application seeks to establish the principles for development and is supported by a comprehensive package of plans and technical reports, as follows:

*Plans to be approved:*

- REDC01-MCB-ZZ-ZZ-DR-A-0201-D5-P5\_Site Location Plan;
- REDC01-MCB-ZZ-ZZ-DR-A-0221-D5-P2\_Access and Movement Parameter Plan;
- REDC01-MCB-ZZ-ZZ-DR-A-0222-D5-P2\_Building Height Parameter Plan;
- REDC01-MCB-ZZ-ZZ-DR-A-0223-D5-P2\_Land Use Parameter Plan;
- 8210856\_1001 Rev 16 – Northern Site Access Junction;
- 8210856\_1002 Rev 14 – Southern Site Access Junction;
- 8210856\_1021 Rev 13 – Proposed Forge End & Long Fallow Pedestrian / Cycle Accesses;

*Plans for illustrative purposes only (not be approved):*

- REDC01-MCB-ZZ-ZZ-DR-A-0210-D5-P1\_Illustrative Masterplan;

*Documents:*

- Planning Statement (Including Affordable Housing Statement) (Barton Willmore now Stantec) [this document];
- Design and Access Statement, including Landscape Strategy (McBains & Barton Willmore – now Stantec);
- Five Year Land Supply Statement (Carter Jonas);
- Statement of Community Involvement (BECG);
- Landscape and Visual Impact Assessment;
- Green Belt Assessment (Barton Willmore – now Stantec);
- Socio-Economic Assessment (Barton Willmore – now Stantec);
- Education Needs Assessment (EFM);
- Transport Assessment (Glanville);
- Framework Residential Travel Plan (Glanville);
- Framework School Travel Plan (Glanville);
- Construction Management Plan (Glanville);
- Flood Risk Assessment and Drainage Strategy (Glanville);
- Utilities and Foul Sewage (Glanville);
- Reptile Survey Report (The Ecology Partnership);
- Interim Bat Survey Report (The Ecology Partnership);
- Ecological Impact Assessment (The Ecology Partnership);

- Biodiversity Net Gain Assessment (The Ecology Partnership);
- Tree Survey and Arboricultural Impact Assessment (RPS);
- Phase 1 Desk Based Assessment (BRD);
- Noise Assessment (Cass Allen);
- Air Quality Assessment (RPS);
- Agricultural Land Survey (RPS);
- Archaeological Desk Based Assessment (RPS);
- Heritage Statement (Barton Willmore – now Stantec);
- Archaeological Desk Based Assessment (RPS); and
- Health Impact Assessment (Carter Jonas).

1.10 The Application is supported by various drawings and sketches but only the Parameter and Access Plans are for determination at this stage. All other architecturally related plans, drawings and sketches contained in any supporting document, are indicative and are not to be listed as part of the approved application material.

1.11 The parameter plans 'fix' the parameters for assessment and any subsequent reserved matters applications and relate to land use, access and movement and buildings heights. An Illustrative Masterplan has also been submitted to demonstrate how the Proposed Development could come forward, using the prescribed design principles contained within the Design & Access Statement (DAS).

### **iii) Purpose and Scope of the Planning Statement**

1.12 The purpose of this Planning Statement is to bring together the necessary information to appraise the Proposed Development; assess the planning merits of the planning application; and to explain how the form and content of the Proposed Development performs against prevailing planning policy objectives and other material considerations. Its key purpose is to demonstrate that there exist very special circumstances sufficient to justify the proposed residential-led development of the Site and that in allowing its release now a number of significant material benefits would accrue.

1.13 There is a strong positive case for the Proposed Development, which responds to the issues raised by SACDC in its pre-application advice and local plan evidence base, which provides a sound planning basis for granting outline planning permission for the Proposed Development, the key components of which comprise:

- 1. Acute need for housing:** There exists an acute and persistent shortfall in the District's housing land supply position which in the absence of an up-to-date local

plan will not be resolved anytime soon. The Five Year Housing Land Supply Study prepared by Carter Jonas in support of the planning application concludes that:

- At a baseline date of 1 April 2021 there was a housing supply shortage in the St Albans area which equated to approximately 2.2 years. Whilst this position has improved slightly to 2.4 years, a point confirmed by recent appeal decisions<sup>2</sup>, the fact remains that SACDC is unable to demonstrate a five-year housing land supply and that the level for shortfall is very significant; and
- At present the identified local housing need figure for St Albans is 1,070 dpa (892 dpa plus a 20% Buffer) but based on delivery rates over the past five years an average outturn of only 460 dpa has been achieved. This represents a significant under delivery, with a corresponding under-delivery of affordable housing to address local needs, and is reflected in the latest Housing Delivery Test results published in January 2022 that show SACDC has delivered only 69% of its housing need over the past three-year period<sup>3</sup>.

The housing delivery test published in January 2022 highlights that SACDC is currently only delivering 69% of its housing need over the past three-year period<sup>4</sup>. This means that SACDC is also required to adopt a 'presumption' in favour of housing development position under the housing delivery test measure. In the absence of an up-to-date local plan to provide any resolution to the housing situation any time soon, only the release of sites like the application Site can do anything to rectify the situation.

- 2. Need for Green Belt Release:** There is a recognised need for Green Belt land to be released if the current needs of the District are to be met; Appendix B (Urban Capacity Study) of the Draft HELAA (January 2022) confirms that there is only enough capacity on urban sites to meet 14% of the District's housing needs; and recent appeal decisions<sup>5</sup> have clarified that unmet housing need is capable of clearly outweighing harm to the Green Belt and any other harm so as to establish very special circumstances<sup>6</sup>.

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<sup>2</sup> APP/B1930/W/20/3265925, 3265926 Redhouse Farm, Colney Heath & 3273701 Land south of Heath Lane, Codicote.

<sup>3</sup> Housing Delivery Test – Final Results, Jan 2022: Need for the period 2018/19 to 2020/21 = 2,317 homes. Delivery for the same period = 1,596 homes.

<sup>4</sup> Housing Delivery Test – Final Results, Jan 2022: Need for the period 2018/19 to 2020/21 = 2,317 homes. Delivery for the same period = 1,596 homes.

<sup>5</sup> APP/B1930/W/20/3265925, 3265926 Redhouse Farm, Colney Heath & 3273701 Land south of Heath Lane, Codicote.

<sup>6</sup> With reference to the Ministerial Written Statement in December 2015, which suggested this was unable to be the case, it is now accepted that these provisions have not been incorporated within the NPPF which has since been updated several times, and similar guidance has been removed from the Planning Practice Guidance.



- 3. Delays in the Local Plan Review:** The new Local Plan has been under preparation for more than a decade. The progression of the Plan throughout that time has been thwarted by political wrangling over the obligation to meet increasing housing needs and the need to release Green Belt land to achieve it. The Publication Draft Local Plan, which was submitted for 'examination' in March 2019, was withdrawn in November 2020 because of questions over its soundness. The reality is that the preparation, consultation and examination of a new emerging local plan is some way off and action needs to be taken now to bolster market housing, affordable housing and self-build housing supply.
- 4. Suitability of the Site:** The evidence base produced by SACDC has consistently shown the Site to be an appropriate location for new housing. For example, the Site was considered in the SKM Green Belt Review and, out of all the Broad Locations assessed, would result in the least harm to the five-purposes of the Green Belt. SACDC agreed in its SHLAA (May 2018) that the Site should be further considered for potential housing development. The Site was identified as a Broad Location site S6x, West of Chiswell Green, for a minimum of 367 new homes in the Publication Draft SLP prepared by SACDC in 2018; and the Site is in a suitable and very sustainable location for housing.
- 5. Absence of Constraints:** The conclusions of the extensive technical work undertaken on behalf of the Applicants explain that the Site is not the subject of any constraint that would undermine development;
- 6. Benefits:** The Proposed Development would bring a number of significant and far-reaching benefits, not least the delivery of new market sale homes, 40% affordable homes, 3% self-build housing plots, land for a 2FE primary school, publicly accessible open space, 10% biodiversity net gain, and positive economic benefits for the District and its labour market through the creation of new jobs and an increase in labour supply and expenditure in the local economy; and
- 7. Deliverability:** The entirety of the Site is under the control of two controlling parties, one being a national house builder, and there are no land ownership issues or legal obstacles to delivery. It represents a suitable, available, achievable site that is a deliverable source of housing land that can start delivering much needed new housing in the short term in response to local identified needs, particularly for smaller family dwellings and affordable housing.

1.14 It is recognised that the District is heavily constrained by the Green Belt and other designations, but SACDC is failing in its obligations and must adopt a positive approach (a presumption) towards proposals that would boost housing supply. The Site represents a deliverable source of housing land in a sustainable location devoid of any constraints which should be released from the Green Belt to assist in addressing the acknowledged housing shortfall and to meet those identified housing needs in a sustainable manner. There are overwhelming reasons therefore to support this Application and allow the release of the Site now so that it can be developed at the earliest opportunity.

1.15 This Planning Statement proceeds on the following basis:

- **Section 2** - Describes the Site and the surrounding area, including the planning history of the Site;
- **Section 3** - Describes the pre-application engagement and community consultation undertaken by the Applicants;
- **Section 4** - Describes the Proposed Development;
- **Section 5** - Identifies the relevant national and local planning policies and guidance and other material considerations relevant to the Site and the determination of the outline planning application;
- **Section 6** - Considers the acceptability of the 'principle' of the Proposed Development;
- **Section 7** - Considers the acceptability of the Proposed Development against planning policy and other material considerations in terms of achieving sustainable development, affordable housing delivery and development control related matters;
- **Section 8** - Undertakes a 'planning balance' exercise based on the policy objectives set out in Section 5 and the planning considerations set out in Sections 6 and 7; and
- **Section 9** - Provides a summary and conclusion.

## 2.0 THE SITE

### i) Introduction

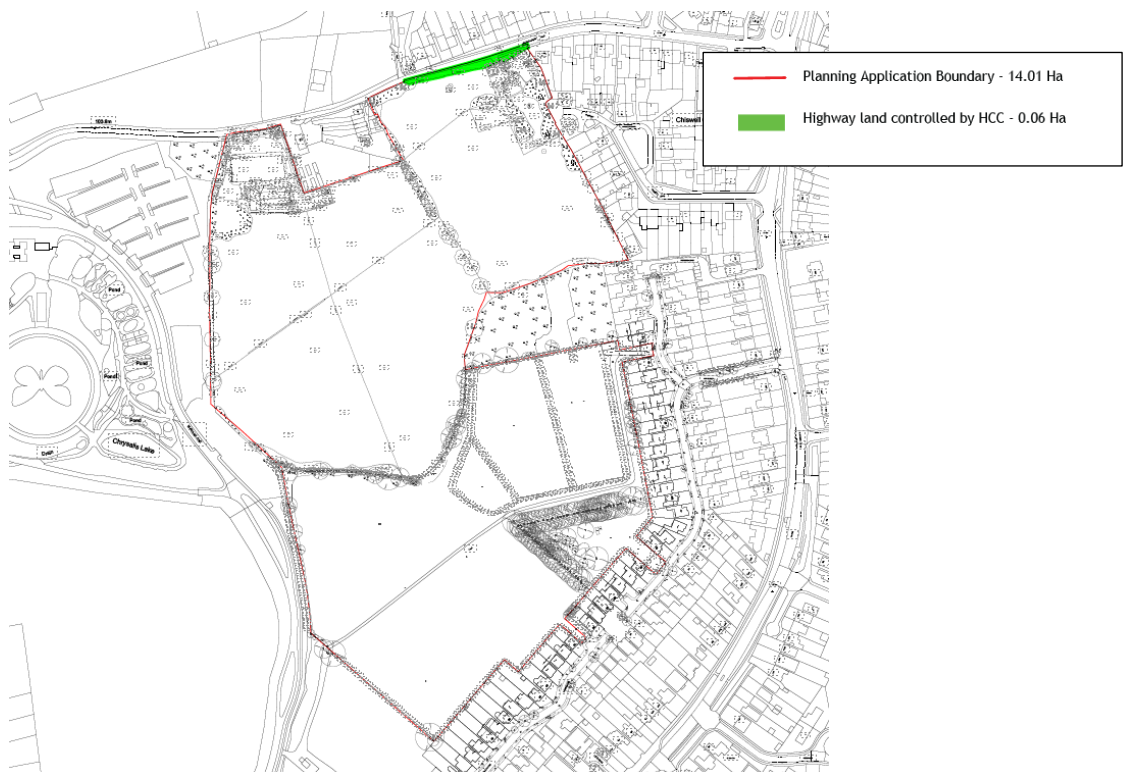
2.1 This section of the Planning Statement describes the Site, the surrounding area and summarises its environmental and infrastructure context.

### ii) The Site & Surrounds

2.2 The Site is located within the administrative area of SACDC, in the county of Hertfordshire. Hertfordshire County Council (HCC) is the strategic authority responsible for highway, education and is the Local Lead Flood Authority (LLFA).

2.3 Further purposes of this planning application, the total area of the Site (as illustrated below) is approximately 14.02 hectares (ha) and comprises:

- 0.06 ha of land located on the southside of Chiswell Green Lane which is designated highway land controlled by HCC; and
- 13.96 ha of land within is owned and controlled by the Applicants and other interested parties that support the planning application. This includes the former Chiswell Green Farm and Chiswell Green Riding School (post code: AL2 3AJ).



- 2.4 The Site is located outside, but immediately adjacent to, the settlement boundary of Chiswell Green and is approximately 1.1km southeast of the St Albans City. It comprises agricultural land, a farmyard with stables and a farmhouse and outbuildings. The Site is divided into four distinct fields separated by mature trees. The fields in the north of the Site are intensively grazed by horses whilst the fields in the south are currently unmanaged grassland.
- 2.5 The northern boundary is formed by Chiswell Green Lane. The eastern and south-eastern boundaries of the Site are directly adjacent to the residential area of Chiswell Green with the Site bordered by the gardens of the residential properties.
- 2.6 There is a small woodland area (protected by a Tree Preservation Order (TPO)) to the east of the Site which is not included within the site boundary and sits between the Site and the adjoining residential area. Beyond the western boundary of the Site is Miriam Lane and a car park screened by trees and hedges, which form part of the former 'Butterfly World' located approximately 25m to the west of the Site.
- 2.7 St. Albans Polo Club is located approximately 80m northeast of the Site with Chiswell Green Lane lying between the two. The M1 is 1.4km to the east and meets the M25 1.5km southeast of the Site. The wider surrounding area comprises residential areas to the east and agricultural land to the west.

#### Landscape & Biodiversity

- 2.8 The Site is located within the Metropolitan Green Belt, but is also surrounded on all four sides by:
- Chiswell Green (a specified settlement<sup>7</sup>) to the east, south and partially to the north;
  - Butterfly World, its car parking areas and its access road to the west; and
  - Chiswell Green Lane with residential properties and a traveller's site to the north.
- 2.9 Parts of the northern and western boundaries of the Site comprise hedging and mature trees and screen the Site from views from the wider countryside. This is reinforced by the landscape bunding along the western boundary that is used to screen the Butterfly World

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<sup>7</sup> In accordance with Policy 2 of the adopted Local Plan Review 1994 (saved and deleted policies version (July 2020))

car park. The Site is relatively contained being well screened from views from within the wider area and is located within the reasonable physical limits of the settlement of Chiswell Green, which includes buildings and mature vegetation, separating it from the open countryside.

2.10 There are no nationally designated sites (e.g., National Park or Area of Outstanding Natural Beauty (AONB), Special Area of Conservation SAC)) on or within close proximity of the Site, nor is it within an Area of High Landscape Value<sup>8</sup>. The nearest designated sites are:

- Chilterns Beechwoods Special Area of Conservation (SAC) which is located approximately 13.6km to the northwest of the Site and includes Ashridge Commons and Woods and Tring Woodlands<sup>9</sup>;
- Chilterns AONB which is located approximately 9.3km to the northwest of the Site; and
- Bricket Wood Common SSSI designated for its lowland heath habitat is located approximately 2km south of the Site.

2.11 There are 21 non-statutory designated sites located within 2km of the Site, the closest of these being How Wood Local Wildlife Site 545m to the south-east. Adjacent to the eastern boundary of the Site are the priority habitats of 'Lowland Mixed Deciduous Woodland' and 'Traditional Orchard'.

2.12 Preliminary ecological surveys were undertaken on the Site in September and October 2021 to establish the baseline conditions. The Preliminary Ecology Appraisal (PEA) concludes that the Site had little potential for badgers, great crested newts, reptiles, water voles, otters, or dormice. The PEA identified that the buildings in the north-east of the Site has potential to support roosting bats. Follow up emergence surveys were carried out, the first taking place over two nights in September 2021, which recorded no bats emerging from the buildings. Further surveys of the buildings are to be conducted in the main bat maternity season May – August 2022. In addition, the Site has little potential for commuting/foraging bat habitat.

2.13 The PEA confirmed that the green field part of the Site is made up of:

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<sup>8</sup> The Site is not part of any of the designated landscapes described in paragraph 174 of the NPPF

<sup>9</sup> The Site is located outside of the Chiltern Beechwood SAC's Zone of Influence.

- Poor or moderate condition grassland (natural);
- Poor condition grassland (modified);
- Poor condition sparsely vegetated land (ruderal / ephemeral);
- Poor condition heathland, mixed scrub and bramble scrub;
- Poor condition introduced ornamental non-native shrubs;
- Good condition hedgerows and trees; and
- Good condition trees with ecology value.

### Arboriculture

2.14 The Tree Survey and Arboricultural Impact Assessment, prepared by RPS, identifies the quality of existing trees, whether they should be retained or removed and conveys the root protection areas. In addition, the assessment identifies 3 separate groups of Tree Preservation Orders (TPO) which are located along the western boundary of the study site. A triangular shaped grouping of Poplar trees on the southeastern edge of the Site is also subject to a TPO, as is a small woodland area to the east of the Site although this is not included in the site boundary and sits between the Site and residential area.

### Built Heritage

- 2.15 There are no internationally or nationally designated sites (e.g., World Heritage Sites, Scheduled Monuments or Listed Building) on or within immediate proximity to the Site, nor is the Site located within a Conservation Area.
- 2.16 The nearest scheduled monument is located 2km north of the Site and contains Verulamium, Prae Wood Settlement.
- 2.17 The closest listed building to the Site is the Three Hammers Public House (Grade II) which is located approximately 190m east. There are other listed buildings in the wider vicinity including Little Danswick Farmhouse and Old Cuckman's Farmhouse, which are in relatively rural locations.

### Archaeology

2.18 The Site is not located within a locally defined Area of Archaeological Significance (AAS) and there are no nationally designated archaeological heritage assets within the Site. That said:

- The Post Medieval hamlet of Chiswell Green is recorded within the northern part of the Site adjacent to Chiswell Green Lane on historic mapping;
- There is low to moderate archaeological potential at the Site for the Roman period and for Saxon or Medieval period agricultural activity. Extant buildings as well as potentially below ground remains associated with the Post Medieval Chiswell Green hamlet can be anticipated at the northern site boundary. If present, any remains would most likely be of local significance; and
- Past ground disturbance is likely to have been widespread as a result of plough activity, with only localised areas of more severe disturbance associated with development.

### Flood Risk and Drainage

- 2.19 The closest watercourse designated by the Environment Agency (EA) as a main river is the River Ver, located approximately 1.5km to the east of the Site. Flood risk mapping identifies that the Site is located Flood Zone 1 and is at 'low risk' of flooding from all sources.
- 2.20 The Site is located within Zone 2 (outer catchment) of a groundwater Sources Protection Zone.
- 2.21 Topographical maps of the area indicate that the Site slopes in a southerly direction from approximately 100m above ordnance datum (AOD) in the north to approximately 85m AOD in the south. This means that rainwater is likely to flow from the north part of the Site in a southerly direction.

### Agricultural Land

- 2.22 The Site is classified as Grade 3 land by the Provisional Agricultural Land Classification (ALC) post-1988 ALC surveys<sup>10</sup>, where Grade 1, 2 and 3a are Best and Most Versatile (BMV) Agricultural Land and grade five is poorest quality. The land directly adjacent to the eastern boundary of the Site encompassing the settlement of Chiswell Green is classified as urban.

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<sup>10</sup> The Agricultural Land Classification system established by the Ministry of Agriculture, Fisheries and Food (Agricultural Land Classification of England and Wales - Revised guidelines and criteria for the grading of the quality of agricultural land (1988), accessed online: <http://publications.naturalengland.org.uk/file/5526580165083136>) classifies agricultural land into five categories to establish the best and most versatile agricultural land.

### Contamination

- 2.23 The vast majority of the Site is unlikely to be significantly contaminated. However, some localised contamination may have derived from the farmyard at Chiswell Green Farm on the northeast part of the Site, and any spillages from either of the two above ground fuel / oil storage tanks that have been present on the Site. Limited pesticide residue may be present on the Site due to the historic use of the site as an orchard and agricultural fields. Additionally, evidence of waste materials is present on the Site and may pose a localised contamination risk. All will be addressed as part of the development of the Site.

### Noise and Vibration

- 2.24 Background noise levels at the site are dictated by distant road traffic noise from the M1, M25, A414 and North Orbital, but do not reach levels that would exceed recognised guidance.

### Air Quality

- 2.25 The Site is not located within an Air Quality Management Area (AQMA). The nearest AQMA to the Site is situated approximately 2.6km southeast where the A5183 dissects the M25 (St. Albans AQMA No. 7). An additional AQMA is located approximately 2.9km northeast in St Albans city centre (St. Albans AQMA No. 1).

### **iii) Accessibility**

- 2.26 The Site is extremely well connected to the strategic road network. Chiswell Green Lane connects with Watford Road to the east of the Site and the A405 North Orbital Road, which connect to Watford and the M25 junction 21a, whilst St Albans is accessible via this road to the north. The M1 is 1.4km to the east and meets the M25 1.5km southeast of the Site.
- 2.27 The Site is within walking distance of key public transport infrastructure, including such as How Wood railway station and Park Street railway station. These stations are situated on the Abbey Line which provides hourly services between St Albans Abbey and Watford Junction. Frequent trains to London and other destinations are available from Watford Junction and St Albans City station, which is a 25 minute (2km) walk from St Albans Abbey



Station or a short cycle or bus journey.

- 2.28 There are existing Public Rights of Way (PROW) walking route in the vicinity of the Site including no's 82, 80, 21, 39 and 28. No public rights of way cross the Site.
- 2.29 There are a number of destinations that can be reached within a 5km cycling distance from the Site, including St Albans City Centre; St Albans Abbey railway station, Bricket Wood railway station, How Wood railway station, Park Street railway station, Garston railway station, St Albans Cathedral, Verulamium Park, Abbey View Retail Park, Westminster Lodge Leisure Centres, Watford Leisure Centre and various schools.
- 2.30 The closest bus stops are located on Watford Road and serve bus routes 321 and 724. In addition to these services, the bus stops on Watford Road in the vicinity of Tippendell Lane also serves route 361 which travels along Tippendell Lane to How Wood and Bricket Wood. A fourth bus service, route 635, is accessible from bus stops on the A405 North Orbital Road between the Watford Road roundabout and the M25 junction 21A, around 780m south of the Long Fallow footway / cycleway access.

#### **iv) Local Socio-Economic & Health Infrastructure**

- 2.31 There are eight GP practices located within a 4km radius of the Site and a further two GP practices located just beyond a 4km radius, in London Colney, which have also been included (one of which is a linked with a GP branch within the 4km radius). There is a further GP branch within the 4km radius that is linked with a GP practice in Radlett which is outside of the 4km radius but nonetheless has been included because of the linked branch being in close proximity to the Site.
- 2.32 In total, 11 GP practices have been included for assessment, which between them have seven linked GP branches. It is concluded that of the 11 GP practices assessed, eight are currently operating over-capacity. The three GP practices that are operating under-capacity currently have capacity to accommodate an additional 9,938 patients. St Albans City Hospital is also located less than 4km to the north of the Site.
- 2.33 The area is well provided with dental treatment facilities and a telephone survey established that all dental practices identified are accepting new patients on a private basis (several of whom are also accepting new fee exempt (NHS) patients).

- 2.34 There is also a good provision of retail opportunity within walking distance or via public transport, to support potential growth at Chiswell Green, including a bakers, public house, takeaway restaurants and a Co-op food store on Watford Road, a short distance from the Site, adding to the sustainability of the location.
- 2.35 There is a wealth of public open spaces within proximity to the Site, includes allotments, playing fields, public parks, gardens, play space and religious grounds. In terms of the public open spaces with play facilities, these include:
- Playing fields at Cherry Hill and Mayflower Road which are within 500m of the Site;
  - Greenwood Park allotments; and
  - Four existing play areas within 900m of the Site, one of which (Greenwood Park Play Area) has an extensive provision of play equipment for children up to the age of 14 years, with a new range of play equipment for children under 6 years installed in 2019. However, the remaining three areas are located at least 500m away from the Site do not have existing play space for younger children within SACDC's draft standard of 300m.

### Education

- 2.36 An Education Report has been prepared by EFM which looks at the demographic data of the area to establish if education infrastructure provision is likely to be requested by HCC to mitigate any impacts arising from the Proposed Development on education infrastructure. It concludes that:
- From a Primary School perspective, there is some spare capacity in the existing Primary School landscape, but that does not take in to account the impact of new development coming forward in Chiswell Green and the surrounding areas, which will generate additional children. HCC have indicated that they support the provision of a Primary School site on this development as part of the development's proposals, and that this would add to the choice of provision in Chiswell Green, and ensure that this development is fully mitigating its impact; and
  - A contribution towards additional Secondary School provision is likely to be warranted due to the lack of spare capacity and forecast growing rolls. Again, this development can have a positive impact on the Secondary School landscape by

paying towards expansions/improvements at schools that would serve the development; and

- Expansion of Early Years and SEN provision is likely to be required. The former will most likely be provided through the provision of Nursery places at the new Primary School, which HCC has indicated they would support. The latter would be a monetary contribution towards expanded provision if a deficit in places can be demonstrated.

#### **v) Planning History**

2.37 The Site does not benefit from any planning history of relevance to the Proposed Development.

2.38 The St Albans Polo Club at St Stephens Farm is located approximately 80m northeast of the Site with Chiswell Green Lane lying between these two areas. A planning application (SACDC Ref: 5/2021/3194) was submitted in January 2022 to SACDC seeking the development of that site (now being referred to as "Addison Park") for:

*"Outline application (access sought) for demolition of existing buildings, and the building of up to 330 discounted affordable homes for Key Workers, including military personnel, the creation of open space and the construction of new accesses".*

2.39 The Applicants have submitted a strong objection to that planning application. The main grounds for objection are summarised below:

- The proposed development is not contiguous with Chiswell Green's settlement boundary, nor does it align with SACDC's spatial strategy. As a consequence, the proposed development will result in significant harm to the Green Belt which is not sufficiently justified by a robust VSC case;
- A 100% discounted affordable housing scheme of this size will not deliver a mixed and balanced community and this type of tenure is not specifically required in this location and at this scale;
- There will be a loss of existing sports facilities protected by Sport England, which would normally need to be replaced;
- The proposed development and site access are contrary to the objectives and guidance of the Hertfordshire Local Transport Plan and the Hertfordshire Design Guide and could result in highway safety concerns; and

- The technical documents submitted in support of the Addison Park application are inadequate to enable the SACDC and consultees to determine the merits of the planning application, resulting in questions over the credibility of their assessment of harm, public benefits and planning balance, as set out in the Addison Park planning statement.

2.40 Having regard to this, it is considered that the development at Addison Park would result in significant harm to the Green Belt, which would not be outweighed by benefits of that case. Accordingly, it should be refused.

### 3.0 PRE-APPLICATION ENGAGEMENT

#### i) Introduction

3.1 The Applicants have undertaken pre-application engagement with SACDC, HCC, St Stephen Parish Council, and have also undertaken community consultation for the emerging Proposed Development. A summary of this engagement is set out below.

#### ii) SACDC

3.2 A pre-application advice request was submitted to SACDC on 29<sup>th</sup> October 2021, which was accompanied by design details and various technical documents. The proposals upon which advice was sought comprised:

*"The demolition of existing structures and construction of up to 450 dwellings (Use Class C3), the provision of land for a new 2FE Primary School, open space provision and associated landscaping and new access arrangements."*

3.3 SACDC provided their written pre-application advice on 21<sup>st</sup> January 2022. Other consultation responses<sup>11</sup> were received by SACDC and included in the pre-application advice.

3.4 In accordance with Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) (EIA) Regulations 2017, a request was made to SACDC for a 'Screening Opinion' on 15<sup>th</sup> October 2021. This request was supported by an EIA Screening Report, which identified that significant effects on the environment are not considered likely from a development of up to 450 homes, either alone or in combination with other nearby developments. The EIA Screening Report concluded that the draft Proposed Development would be of a sufficiently limited scale that effects could be managed in accordance with standard methods and best practice measures. Accordingly, it was not therefore considered to be EIA development as defined by the EIA Regulations. A copy of SACDC's Screening Opinion is attached as [Appendix 2](#).

3.5 The Proposed Development, as submitted, proposes a reduced level of development and so would not change these conclusions.

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<sup>11</sup> Hertfordshire Public Health; Affinity Water; Thames Water; Hertfordshire Constabulary; and NHS Herts Valleys Clinical Commissioning Group.

**iii) HCC**

- 3.6 The Applicants undertook a pre-application meeting with HCC's Highways Team on 27<sup>th</sup> August 2019, 14<sup>th</sup> December 2021 and 3<sup>rd</sup> March 2022, where the draft Proposed Developments were discussed, and a Transport Scoping Note was provided to HCC. Other matters discussed in the meetings included vehicular access; parking provision; trip generation and distribution; highway impact; sustainable transport; road safety audits; and potential developer contributions.
- 3.7 The Applicants undertook a pre-application meeting with HCC's Education Team on 3<sup>rd</sup> February 2022, during which the draft Proposed Development was discussed. Matters discussed in the meeting included the Tier system and child yield model; the education strategy for the Chiswell Green / St. Albans area; primary school development and mitigation options and funding; secondary school development mitigation; early years requirement; and SEN places provision. HCC confirmed their support for a new primary school site to serve the development and wider area.
- 3.8 The Applicants requested pre-application discussions with HCC's Lead Local Flood Authority (LLFA) officers. Unfortunately, the LLFA declined to undertake pre-application discussions due to its high workload and limited number of resources. However, the Applicants note that in SACDC's EIA Screening Response includes feedback from the LLFA, which is extracted below:

*"It is noted that the site is currently greenfield and the LLFA has no records of it flooding, due to the undeveloped nature of the site. Flooding reports are normally driven by impacts on property and infrastructure including roads. Runoff from the site will contribute to surface water flows, although there are no significant flood flows flowing through the site that would have an impact on the site directly, or in the surrounding area.*

*The LLFA agrees with the assessment that the site is located within Flood Zone 1, as there are no watercourses running in or closely adjacent to the site. Any potential surface water flooding would therefore be managed through infiltration. In the absence of any detailed infiltration assessment for the site, it is a reasonable assumption that drainage should be able to be managed through infiltration and it would be appropriate for this to be demonstrated as viable through a Flood Risk Assessment (FRA) and Drainage Plan for the site which should be submitted at the planning application stage."*

**iv) St Stephen Parish Council**

- 3.9 The Applicants undertook a pre-application presentation to St Stephen Parish Council (SSPC) on 13th January 2022, detailing the draft Proposed Development and the following topics: planning policy context; the very special circumstances case; the vision for the Site and the Proposed Development; the draft parameter plans for the planning application; and the indicative planning programme.
- 3.10 SSPC did not provide any specific feedback at the presentation but did raise queries that were answered by the Applicants' technical team during the presentation.

**v) Community Consultation**

- 3.11 The Applicants undertook community consultation on 1st and 2nd March 2022. The community consultation activity included a webinar (1st March) and an in-person public exhibition (2nd March). The Applicants also launched a bespoke project website and invited feedback on the proposals over the period 25<sup>th</sup> February to 3<sup>rd</sup> March 2022.
- 3.12 Full details of the community consultation are provided in the accompanying Statement of Community Involvement (SCI).

## 4.0 THE PROPOSED DEVELOPMENT

### i) Introduction

4.1 This Section of the Planning Statement describes the different components of the Proposed Development.

4.2 The illustrative Masterplan is a landscape-led masterplan which recognises the importance of integrating with the existing settlement and surrounding landscape and delivering a new neighbourhood that is supported by publicly accessible green space, a green belt buffer, habitat and a clear, legible movement network that is designed around a clear street hierarchy and a variety of residential building typologies and sizes.

### ii) Details of the Proposed Development

4.3 As explained in Sections 1 and 2, the key components of the Proposed Development comprise:

- Demolition of existing structures and construction of up to 391 homes;
- 40% affordable homes;
- 3% self-build plots;
- The provision of land for a new 2FE Primary School;
- Publicly accessible amenity space and children's play space;
- Habitat space and the offer of a contribution to enhance habitats offsite (to achieve a 10% Biodiversity Net Gain);
- New access arrangements into the Site from Chiswell Green Lane, Long Fallow and Forge End;
- Adjustments to existing car parking, footpath, cycle path and highway arrangements along Chiswell Green Lane, Watford Road, Long Fallow, Forge End, Farringford Close; and
- A sustainable form of development.

4.4 The Applicant's suggested description of development is as follows:

*"Outline application (access sought) for the demolition of existing structures and construction of up to 391 dwellings (Use Class C3); the provision of land for a new 2FE Primary School; open space provision and associated landscaping; internal highways, parking, footpaths, cycleways, drainage, utilities and service infrastructure; new access arrangements; and offsite highway works including new*



*car parking, footpath, cycle path and highway arrangement works to Chiswell Green Lane, Watford Road, , Long Fallow, Forge End and Farringford Close” (the ‘Proposed Development’).*

- 4.5 The Design & Access Statement provides further details on the Proposed Development and the rationale behind it, and the proposed character areas and the parameters and design principles that any future detailed proposals will be expected to adhere to. This is summarised below.

#### Landscape-led Masterplan

- 4.6 The landscape-led vision for the Site is defined by the following key elements:
- Integration with the existing settlement – The character and design of the Proposed Development is in-keeping with that of the adjacent settlement to which it abuts, particularly in relation to its layout, grain, pattern of streets, landscape and spaces, movement network and arrangement of development to create a coherent identity for new residents and the existing community to identify with;
  - Integration with the existing landscape – The combination of retaining the existing boundary trees and hedges and landscape bunds on the adjacent land will help screen and integrate the Proposed Development into the Green Belt;
  - Green Feel - Incorporating retained trees and hedgerows and introducing new planting will create a green character across the Site. New landscaping features will define streets and space, frame attractive views and help to define the different characteristics of the Site;
  - Views to the Woodland and the Green Core - As the northern part of the Site is located higher than the southern part, the gentle level change provides an opportunity to positively respond to the topography and provide visual green connections throughout the Site;
  - Connected Communities - The site’s location and offsite connections offers the potential to bring together the new residents with existing communities of adjoining residential areas around a green core at the heart of the scheme. A network of “off street” green routes with foot and cycle connections through the site will provide access for the enlarged community for recreation and play, whilst offering links to the wider network; and
  - New Homes for All - A variety of housing types are to be included in the masterplan to provide a range of homes that will readily meet market demand,

and therefore rapidly contribute to housing need in the District.

4.7 The design principles for the proposed masterplan identify four main character areas for the Site as follows:

- Northern Gateway - Located at the top of the Proposed Development, this area represents the main gateway to the northern extent of the Site. Visually connecting and completing the built form along Chiswell Green Lane, this area is enclosed by the existing trees and vegetation which visually connect this area to the rest of the Site and Green Core. A continuous and regular built form will define the interface with the school site, which is in the north-western part of the Site;
- Neighbourhood - This area is bound by proposed and retained hedgerows and trees along both eastern and western site boundaries and is situated to the south of the school site. Radial alignment of secondary roads combined with topography generate key vistas towards the Green Core which becomes a visually attractive feature to be used by new residents but also by the wider community;
- The Green Core - The Green Core area is in the middle of the Site and will be the focal space of the Proposed Development, centred around a substantial open space which would combine informal recreation and leisure features with the enhanced existing vegetation. Green and pedestrian/cycle links from other parts of the Proposed Development will lead into the Green Core. This formal space will be enclosed by a set piece architectural treatment, with symmetrical character distinct from the rest of the Site. As the central feature of the Site, this area would have its own strong sense of identity, and would be completely open to the public and well connected to the wider community; and
- Southern Village - Located to the southern part of the Site, this area represents a more intimate part of the Proposed Development. This area will draw influence from the formal characteristic and the architectural style of Forge End and Long Fallow, which have both legible structure and strong sense of community. The strategic play area in the south-eastern part of the Site would be framed by Poplar tree line and is seen as an important point of contact between the new residents and the wider community.

#### Land for New Two-Form Entry Primary School

4.8 The Applicants propose that 2.03 hectares of land in the north-western part of the Site will be made available to HCC's education department to enable it to build a 2FE primary

school. This size of school will meet the primary school needs of the development and the wider community need in this location.

- 4.9 The Applicants expect that financial contribution negotiations to be undertaken with HCC in relation to primary school, secondary school, early years and SEN infrastructure.

#### Residential Development

- 4.10 The Proposed Development includes up to 391 new homes, including 40% affordable homes (on a per unit basis) and 25% First Homes as part of the 40% affordable provision and 3% self-build plots. Set out below is an indicative unit mix for the Proposed Development:

	Private	Affordable				Total	%
		Social Rent	Affordable Rent	First Homes	Intermediate		
1-bed (2p)	0	6	7	33	0	46	11.76
2-bed (3p)	4	23	8	0	0	35	8.95
2-bed (4p)	6	11	9	6	4	36	9.97
3-bed (5p)	97	0	0	0	0	97	24.81
3-bed (6p)	34	5	4	0	36	79	20.20
4-bed (6p)	1	0	0	0	0	1	0.26
4-bed (7p)	57	2	2	0	0	61	15.60
5-bed (8p)	36	0	0	0	0	36	9.97
<b>Sub-Total</b>	<b>229</b>	<b>47</b>	<b>30</b>	<b>39</b>	<b>40</b>		
		<b>(30%)</b>	<b>(19%)</b>	<b>(25%)</b>	<b>(26%)</b>		
<b>Total</b>	<b>235</b> <b>(60%)</b>	<b>156</b> <b>(40%)</b>				<b>391</b>	<b>100%</b>

- 4.11 The precise unit mix will be determined at a later stage through subsequent reserved matters applications. Based on the indicative mix, the Proposed Development is expected to yield a population of approximately 1,010 people and will have a density of 28 dwellings per hectare (dph<sup>12</sup>).

<sup>12</sup> 391 dwellings / 13.96 ha = 28 dph

[net density = 391 / [13.96 ha – 2.92 ha (open space) – 2.03 (school land) = 9.01 ha] = 43.4 dph

### Access

- 4.12 Three vehicular accesses will be provided into the Site for cars and service vehicles. Two of these will be off Chiswell Green Lane and will serve the northern part of residential development and the future primary school.
- 4.13 The vehicular access to the southern part will be via the northern end of the Forge End cul-de-sac, which in turn will provide access to Watford Road. Two pedestrian and cycle access routes will be provided off Long Fallow and Forge End.
- 4.14 The proposed sustainable travel improvements include the following:
- Diversion of bus route 321 into the site;
  - Improved cycle facilities on Chiswell Green Lane to link to the existing quiet road route on Stanley Avenue for cyclists travelling to / from St Albans;
  - A footway / cycleway and Tiger crossing at the Watford Road / Forge End junction to provide a connection to Farringford Close which provides a quiet road link to National Cycle Route 6 and How Wood Station; and
  - A footway / cycleway on Watford Road at its junction with Long Fallow to connect to the existing footway / cycleway to Watford
- 4.15 Based on the current interim dwelling mix, up to 1,030 car parking spaces will be provided, plus car parking for the school (expected to be 1 x space per two members of staff + 1 space per 15 students). Cycle parking provision will also be provided on the basis of one space per dwelling (if no garage or shed is provided), plus school cycle parking – expected to be at least 1 cycle space per 10 full time members of staff and one space per 15 students.

### Publicly Accessible Open Space & Playspace Provision

- 4.16 The wider masterplan currently includes publicly accessible open space. The focus for this space is in the heart of the Proposed Development. This currently includes play space facilities for different age groups will also be provided, including toddlers within the central green core.
- 4.17 All of the publicly accessible open space and play space provision will be accessible to the local community. The masterplan also includes 'Green Corridors' through the Site, including a link between the 'Green Core' and the playspace area in the south-eastern part of the Site. The Green Core will facilitate permeability through the site from north

to south and from east to west.

- 4.18 Landscaping screening will be implemented through the construction phase to soften the new built form, integrate the Proposed Development into the landscape character of the Site and surrounding areas and assist screening the Proposed Development from nearby roads and fields and the Metropolitan Green Belt.

#### Biodiversity

- 4.19 The Proposed Development will retain the green infrastructure of value to wildlife (such as the linear habitat). It will propose new green infrastructure of value to wildlife, such as new species hedgerows, scrub wildflower grasslands, orchard and gardens.
- 4.20 An initial Biodiversity Net Gain (BNG) Assessment has been included in the application which, based on the illustrative proposals, demonstrates that the Proposed Development can be expected to deliver a net gain of around 42% in terms of hedgerow units. A net gain of habitat units will be more difficult to achieve on site, and thus it is proposed that a financial contribution will be paid towards offsite habitat enhancement/creation resulting in an uplift of around 20 units, which will equate to an overall net gain of 10%. It is anticipated that the BNG Assessment will be repeated at the reserved matters stage when the landscaping proposals are detailed and extent of habitat creation on site is confirmed.
- 4.21 It should be noted the biodiversity units calculated for the site post-development do not take into consideration enhancement features added such as log piles, bird nesting boxes or bat boxes/tubes, all of which should be installed across the site. It is therefore likely the net biodiversity gain would be higher as a result of these additional measures.

#### Trees

- 4.22 The woodland area located outside of the Site to the east is to be retained. The Proposed Development will include additional planting and boundary treatment to protect these TPO trees located in the southeast part of the Site.
- 4.23 Most of the trees within the Site will be retained, particularly those located around the boundary of the site and the 'L-shaped' group found to the rear of Forge End. Trees to be retained as part of the Proposed Development will be protected during the construction phase using temporary tree protection fencing in accordance with BS 5837: 2012 'Trees

in Relation to Design, Demolition and Construction', to prevent access within the Root Protection Zone (RPZ) or canopy spread of trees. Where access is unavoidable, alternative protection arrangements such as ground protection (sufficient to protect the structure of the soil from compaction), and/ or access facilitation pruning (to ensure a reasonable clearance for operations is provided) will be required.

#### Drainage Proposals

- 4.24 The risk of surface water flooding to the site is very low, with an annual probability of flooding of less than 1:1,000. The Proposed Development would cause an increase in terms of impermeable area and the respective increase in run-off, which would need to be appropriately managed to ensure flood risk does not increase. The drainage strategy will offer protection against surface water flooding by providing a positive drainage system, which will intercept overland flows generated within the Site. It will be designed to ensure that no flooding takes place up to and including the design rainfall event (1 in 100-year return period), with additional capacity within the system to allow for the potential future effects of climate change.
- 4.25 The surface water drainage strategy has been designed in accordance with the Environment Agency's Approach to Groundwater Protection Guidance, Version 1.2 (February 2018) and designed to adoptable standards in accordance with Sewers for Adoption (7th Edition) to produce a robust design. Surface water will be discharged by gravity to infiltration basins in order to provide sufficient storage volumes before discharging to the underlying chalk bedrock via deep boreholes, with no direct discharges off-site, maximising the use of above ground storage and source control. The system has been designed to accommodate run-off from all rainfall events up to and including the 1 in 100-year event, with a 40% allowance for climate change. This strategy also includes a number of SuDS components in series (forming a management train) through a development site facilitates the capture, conveyance and storage of surface water runoff while delivering interception and pollution risk management.

#### Utilities and Foul Sewage

- 4.26 Existing gas, electricity, potable water, telecommunications and foul water infrastructure all exist in the vicinity of the development site. Given the size and prevalence of existing infrastructure in the vicinity of the site, it is not anticipated that there should be significant problems with provision of new supplies to the site. Detailed plans and service loadings will be submitted to each supplier so that detailed proposals can be obtained for the provision of new supplies.

4.27 According to Thames Water records a public foul water sewer is located within the site boundary in the north of the site. This sewer may be required to be diverted or an easement provided in order to develop the Site. It is proposed to provide a new foul water drainage system to serve the proposed residential and school development and connect to the existing public foul water sewer network via two outfalls.

### **iii) Planning Obligations and Agreements**

4.28 In addition to the provision of on-site affordable homes, self-build homes, bio-diversity net gain and the provision of land and contributions for a 2FE primary school, it is envisaged that the S106 Obligations could include financial contributions, where justified, towards enhancements of provision related to:

- Transport improvements/enhancements in the local areas;
- Travel Plan monitoring;
- Secondary school education;
- Early Year & SEN education;
- Post-16 facilities/education;
- Community learning;
- Library facilities;
- Social care;
- Youth facilities;
- Fire fighting;
- Waste services; and
- NHS Services.

4.29 A draft set of Heads of Terms is included in [Appendix 3](#).

## 5.0 PLANNING POLICY CONTEXT & OTHER MATERIAL CONSIDERATIONS

### i) Introduction

5.1 This section of the Planning Statement summarises the planning policy context and other material considerations relevant to the determination of the planning application.

### ii) The Development Plan

5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where in making any determination under the planning Acts, regard is to be had to the 'Development Plan'. The determination of planning applications shall be made in accordance with the plan unless material consideration indicates otherwise.

5.3 The Development Plan relevant to the Site consists of:

- The saved policies of SADC's District Local Plan Review 1994 (including its associated adopted Proposals Maps) (hereafter referred to as the "Local Plan");
- HCC's Waste Core Strategy & Development Management Policies DPD (2012); and
- HCC's Hertfordshire Minerals Local Plan 2007.

5.4 The Applicant's note that the St Stephen Neighbourhood Plan (SSNP, 2019-2036, with recommended modifications) was submitted for examination in January 2022. The Examiner's final report was received by SACDC on 7<sup>th</sup> Feb 2022. SACDC's Policy Committee agreed on 17<sup>th</sup> March 2022 that the SSNP is to proceed to referendum on 5<sup>th</sup> May 2022, at which point it will also form part of the Development Plan. The Site is shown to be within the Built-Up Area Boundary (BUAB) on the policies map on pages 70 and 71 to which Policy S1 (Location of Development) applies. Bullet Point 1 of Policy S1 explains that:

*"Development proposals in St Stephen Parish will be supported within the Built-up Area Boundaries of Bricket Wood, Chiswell Green and Park Street, identified on the Policies Map. Development proposals that would preserve or enhance the character or appearance of the area and achieve a net gain in biodiversity will be particularly supported"*



- 5.5 The SSNP highlights the need for new homes in the Chiswell Green area and identifies suitable sites in the Green Belt for these homes, including the Site. Therefore, it will support development on the Site if very special circumstances can be demonstrated.

*Weight to be given to Local Plan*

- 5.6 The Local Plan was adopted in November 1994. The Local Plan policies were reviewed by the Secretary of State and a Direction under Planning and Compulsory Purchase Act 2004 made on the 14 September 2007 saving the policies. Since then, Central Government planning policy and guidance has evolved notably with the publication of the National Planning Policy Framework (NPPF). This has led to questions of consistency of the saved Local Plan policies with national planning guidance as expressed in paragraph 11(d) of the National Planning Policy Framework (NPPF) reads as follows:

*“d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

- 5.7 The degree of consistency of Local Plan policies with the Framework, and their subsequent weight, is referenced in Sections 7 to 9 of this Planning Statement. However, it is important to point out that the Local Plan is regarded to be out-of-date with reference to paragraph 11 (and footnote 8)<sup>13</sup> of the NPPF for the reasons summarised in Section 1 of this Planning Statement. In an authority where there exists a current policy vacuum and where the production of a new and sound local plan to meet up to date identified needs has been severely delayed, the presumption in favour of sustainable development applies. This makes it clear that planning permission should be granted unless material considerations indicate otherwise. In which case, the SSNP confirms that the Site is an appropriate location for development as it would fall into the built-up area boundary on the SSNP’s policies map.

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<sup>13</sup> Footnote 8 of the NPPF explains that a Local Plan policies are regarded to be out-of-date (for the purposes of determining planning applications for the provision of housing) in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73 of the NPPF); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

5.8 Notwithstanding the above, Sections 7 and 9 of this Planning Statement assesses the 'principle' of the Proposed Development against the objectives of the following Local Plan policies:

- Policy 1 - Metropolitan Green Belt;
- Policy 2 - Settlement Strategy;
- Policy 5 – New Housing Developments in Specified Settlements; and
- Policy 65 - Educational Facilities.

5.9 Sections 8 and 9 also assesses the 'development management' aspects of the Proposed Development against the objectives of the following Local Plan policies:

- Policy 7A – Affordable Housing in Towns and Specified Settlements;
- Policy 34 - Highways Consideration in Development Control;
- Policy 35 – Highway Improvements in Association with Development;
- Policy 39 - Parking Standards, General Requirements;
- Policy 40 - Residential Development Parking Standards;
- Policy 69 - General Design and Layout;
- Policy 70 – Design and Layout of New Housing;
- Policy 74 - Landscaping and Tree Preservation;
- Policy 84 - Flooding and River Catchment Management;
- Policy 84A - Drainage Infrastructure;
- Policy 102 – Loss of Agricultural Land;
- Policy 104 – Landscape Conservation;
- Policy 106 – Nature Conservation; and
- Policy 143B – Implementation.

5.10 Other documents that are used by SACDC to determine the planning application are:

- Design Advice Leaflet No.1: Design and Layout of New Housing;
- Affordable Housing SPG 2004; and
- Revised Parking Policies and Standards (January 2002).

5.11 The objectives of the abovementioned policies and guidance are summarised in [Appendix 4](#).

### iii) Other Published Guidance

#### *NPPF*

5.12 The NPPF (July 2021) sets out the Government's planning policies for England and how these are expected to be applied, representing a material consideration in all planning decisions. For dealing with planning applications, the policies in the Framework are applied from the date of publication.

5.13 The sections of the NPPF that are relevant to the determination of the 'principle' of the Proposed Development are discussed in greater detail in sections 7 to 9. The key sections are:

- Section 4 – Decision Making;
- Section 13 – Protecting Green Belt Land;
- Section 2 – Achieving Sustainable Development; and
- Section 5 – Delivering a sufficient supply of homes.

5.14 The sections of the NPPF that are relevant to the determination of the 'development management aspects' of the Proposed Development are discussed in greater detail in sections 7 to 9. The key sections are:

- Section 8 – Promoting Healthy and Safe Communities;
- Section 9 – Promoting Sustainable Transport;
- Section 11 – Making Effective Use of Land;
- Section 12 – Achieving Well-designed Places;
- Section 14 - Meeting the challenge of climate change, flooding and coastal change;
- Section 15 - Conserving and enhancing the natural environment;
- Section 16 - Conserving and Enhancing the Historic Environment; and
- Annex 1: Implementation.

#### *Planning Practice Guidance (PPG)*

5.15 The PPG builds on principles within the NPPF and provides further detailed technical guidance, with reference to relevant legislation and other guidance. The PPG is a "living document" with regular updates/reviews published.

5.16 As well as providing technical guidance the PPG sets out the importance of good design, it advocates the need for quality design which it considers is an integral part of achieving the fundamental objective of sustainable development. The relevant most relevant topics contained within the PPG relevant to the determination of the outline planning application are:

- Green Belt - Assessing the impact of a proposal on the openness of the Green Belt;
- Local Housing Need – The PPG sets out the Government’s standardised methodology for calculating housing needs; and
- Design – The PPG sets out the importance of good design.

#### iv) **Emerging Policy & Evidence Base**

##### Draft St Albans Local Plan

5.17 The Site has been promoted by Barton Willmore (now Stantec) and Carter Jonas (formerly JB Planning) for housing-led regeneration for over 10-years and has most recently been the subject of a strategic site allocation (Broad Location S6x) in the Publication Draft St Albans Local Plan (Sept 2018). An extract of the text supporting the allocation is set out below:

##### **Policy S6 x) – West of Chiswell Green Broad Location**

###### Objective

To provide an urban extension of Chiswell Green.

###### Proposals

The development will be required to deliver:

- 1 Masterplanned development led by the Council in collaboration with local communities, landowners and other stakeholders
- 2 Minimum capacity 365 dwellings
- 3 Minimum 40% Affordable Housing in accordance with Policy L3
- 4 Minimum overall net density 40 dwellings per hectare
- 5 Housing size, type and mix as set out in Policy L1 and Appendix 6.
- 6 Retention of important trees and landscape features
- 7 Recreation space and public open space
- 8 A site for and appropriate contributions towards a 2 Fe primary school, including Early Years provision
- 9 Transport network (including walking and cycling links) and public transport services upgrades/improvements
- 10 3% of homes provided to be self-build housing
- 11 Sufficient assets to provide sustainable management of community facilities, open spaces and parklands
- 12 Excellence in design, energy efficiency and water management
- 13 Appropriate renewable energy production and supply mechanisms

5.18 Although withdrawn, the Publication Local Plan 2020-2036 published in 2018 (the “Withdrawn Draft Local Plan”) provided a clear strategic ‘direction of travel’ for future development within the St Albans District, and in particular:

- Highlighted existence of exceptional circumstances justifying the need for Green Belt release to meet the district's housing supply needs; and
- Identified appropriate locations for development in the Green Belt, including at Chiswell Green, following comprehensive evidence-based assessment.

5.19 This is a material consideration in the determination of this planning application. The Proposed Development will accord with all the aims and objectives listed in the abovementioned site allocation.

5.20 A new emerging Local Plan is being prepared by SACDC but is at a very early stage. There is good reason to believe that the abovementioned direction of travel will continue and there is a very high probability that the broad location sites will be retained in the new emerging Local Plan when it progresses through the plan-making process towards adoption in 2025/26.

5.21 The Applicants will continue to promote the Site as an allocation and offer SACDC its full support in progressing this.

#### Decisions & Evidence Base

5.22 There have been a number of recent appeal decisions and SACDC decisions in relation to development on Green Belt land that have demonstrated 'very special circumstances' (VSC). These decisions are summarised in [Appendix 5](#) and are considered to be a material consideration in this case because there are a number of similarities between these appeal decisions and the Site's circumstances and Proposed Development. They will be referred to in Sections 7 to 9 of this Planning Statement.

5.23 The evidence base that has been collated by SACDC over the years is also considered to be a material consideration. The Applicants have noted that in the Planning Committee Report (para 8.1.3) for the Land to Rear of 112-156b Harpenden Road ('Sewell Park'), SACDC state that it would be appropriate to attach some weight to the evidence base prepared in support of the withdrawn Local Plan, and to other work carried out pursuant to that plan, depending on the precise circumstances. The key conclusions of SACDC's evidence base considered relevant in this case is summarised below.

*Green Belt Review:*

- SACDC's Green Belt Review: Sites and Boundaries Study (2014) considers the Site, out of all the Broad Locations assessed, would result in the least harm to the five-purposes of the Green Belt; and
- The SACDC Green Belt Review Sites & Boundaries Study (February 2014) explains that the Site lies within the St Stephen's Plateau landscape character area. The condition of the landscape and strength of character in this location is described as 'moderate' and 'weak' in the Green Belt Review (2014). It goes on to identify the Site as an 'Area of Lower Landscape/Visual Sensitivity', as 'Land for potential Green Belt release', and an area for 'potential urban development area, infrastructure & POS'.

*SACDC's 5-Year Housing Land Supply Position & Affordable Housing Delivery Position:*

- In their determination of the planning application (SACDC Ref: 5/2021/0423/LSM) for the Sewell Park, SACDC confirms in paragraphs 8.1.8 and 8.7.1 of the Planning Referrals Committee Report that it currently only has a 2.5-year housing land supply and cannot demonstrate a 5-year supply of land for housing. The committee report further confirms that "...there is also a clear and pressing need for affordable housing within the District" (para 8.7.2). This clear and pressing need is also discussed in the Colney Heath Appeal Decision:

*"53. The uncontested evidence presented by the appellant on affordable housing for both local authorities illustrates some serious shortcomings in terms of past delivery trends... In SADC, the position is equally as serious. Since the period 2012/13, a total of 244 net affordable homes have been delivered at an average of 35 net dwellings per annum. Again, this equates to a shortfall also in the region of 4000 dwellings (94%) which, if to be addressed in the next 5 years, would require the delivery of 1185 affordable dwellings per annum.*

*54. The persistent under delivery of affordable housing in both local authority areas presents a critical situation. Taking into account the extremely acute affordable housing position in both SADC and WHBC, I attach very substantial weight to the delivery of up to 45 affordable homes in this location in favour of the proposals."*

[The Applicant's own Five Year Housing Land Supply Study prepared by Carter Jonas in support of the planning application concludes that there is a housing supply shortage in the St Albans area which equated to approximately 2.4 years]

### *Housing Delivery Test*

- The housing delivery test published in January 2022 highlights that SACDC is currently only delivering 69% of its housing need over the past three-year period<sup>14</sup>.

### *SHLAA & HELAA*

- SACDC's Strategic Housing Land Availability Assessment (SHLAA) was updated in updated in May 2018 and identifies the Site as a potential housing development site.
- SACDC's Housing and Economic Land Availability Assessment 2022 (HELAA) concludes (para 5.6) that the new Local Plan will need to accommodate approximately 15,000 homes over a 15-year period i.e., approx. 1,000 dwellings per annum (dpa). The Site has been identified as a potential site for housing in the HELAA.
- Appendix B (Urban Capacity Study) of the Draft HELAA (January 2022) confirms that there is not enough capacity on urban sites to meet the District's housing needs. The study estimates that potential exists for approximately 2,100 residential units on the sites identified within the urban capacity study. This is only 14% of the District's housing need over the plan period.

### *SACDC's Self-Build Homes Delivery Position*

- In their determination of the planning application for Sewell Park, SACDC confirm in paragraph 8.7.1 of the Planning Referral Committee Report that "*...the Council is currently failing to meet its statutory duty for the provision of plots for self-build housing*". This situation is discussed in further detail in the Colney Heath Appeal Decision:

*"50. Turning to consider the issue of Self Build, as part of the overall dwelling numbers, the proposal would deliver up to 10 self-build or custom build dwellings. The Government attaches great importance to the provision of this element of the supply. Notably, paragraph 61 of the Framework identifies that planning policies should reflect the housing needs of different sectors of the community including, but not limited to people wishing to commission or build their own homes. Footnote 26 gives further explanation with reference to the requirements of the Self Build and Custom Housebuilding Act 2015 (as amended). The Planning Practice Guidance advises that local authorities should use the demand data from registers, supported by additional data from secondary sources, to understand and consider future need for this type of housing in their area. Furthermore, it goes onto note that the registers are*

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<sup>14</sup> Housing Delivery Test – Final Results, Jan 2022: Need for the period 2018/19 to 2020/21 = 2,317 homes. Delivery for the same period = 1,596 homes.

*likely to be a material consideration in decisions involving proposals for self and custom housebuilding.*

*51. In the case of these appeals, there are no development plan policies which relate specifically to the provision or delivery of self-building housing in either authority... Furthermore, neither authority has an up-to-date assessment of likely future demand for this type of housing in line with the Planning Practice Guidance. The appellant provided detailed evidence in relation to the Custom Build Register, none of which was disputed. Evidence also presented demonstrated that the statutory duty to provide for base period plot provision has also not been met in either authority, in some periods by a significant margin. Taking into account other secondary data sources, these shortfalls may well be on the conservative side.*

*52. In common with both market housing and affordable housing, the situation in the context of provision of sites and past completions is a particularly poor one. To conclude, I am of the view that the provision of 10 self-build service plots at the appeal site will make a positive contribution to the supply of self-build plots in both local planning authority areas. I am attaching substantial weight to this element of housing supply."*

- The provision of 10 self-build plots on the Roundhouse Farm site (apportioned equally with Welwyn Hatfield BC) and a further 5 self-build plots on the Sewell Park site is unlikely to have materially changed the situation.

#### *Land for Primary School*

- The strategic site allocation policy in the Withdrawn Local Plan included a requirement for a site and appropriate contributions for a 2FE Primary School, including early years provision. HCC have re-affirmed its desire to secure land on the Site for a 2FE primary school.

5.24 The abovementioned appeal decisions and evidence be referred to, where relevant, in Sections 7 to 9 of this Planning Statement.



## 6.0 PLANNING CONSIDERATIONS – PART 1 (PRINCIPLE)

### i) Introduction

- 6.1 This section of the Planning Statement considers the ‘principle’ of the Proposed Development in relation to the relevant planning policy and guidance on key matters such, the presumption in favour of sustainable development, an assessment on the potential impact and harm to the Green Belt, and the need to demonstrate ‘Very Special Circumstances’ (VSC).
- 6.2 It concludes that the documents comprising the planning application together demonstrate that the Proposed Development will deliver a high quality and sustainable scheme (see Section 7), albeit located in the Green Belt. Nevertheless, and despite the stringent tests to be applied in assessing such schemes, it would provide much needed market housing, affordable housing and self-build plots in an authority with an acute and urgent need which is currently making insufficient provision for meeting the full extent of those needs. This very important consideration combines with other factors, all of which add weight to make the ‘very special circumstances’ sufficient to override the harms identified, namely the intrinsic harm of inappropriate development and the other harms in terms of impact on openness, landscape character and local views.

### ii) Principle of Development

#### Presumption in Favour

- 6.3 SACDC’s Local Plan, adopted in 1994, is out of date. The housing provision of the Local Plan is now time-expired, and the settlement boundaries were drawn to accommodate development within the plan period. The Green Belt boundaries are very tightly drawn around the existing urban areas in the District and have not been altered since then. Those put in place in the 1994 Local Plan were based on a consideration of needs up to 2001. Needs beyond 2001 did not form part of the consideration of the Green Belt reviews at that time.
- 6.4 As explained in Section 1 and demonstrated in [Appendix 5](#) by way of reference to recent decisions, SACDC cannot demonstrate a 5-year supply of land for housing (e.g., 2.5-YHLS), is currently failing its housing delivery test (69%). This means that the policies which are most important for determining the application are out-of-date, and paragraph 11(d) of the NPPF is engaged meaning that there is a presumption in favour of sustainable

development.

6.5 Paragraph 11 of the NPPF explains that where the presumption is engaged, the decision-taking process at paragraph 11d of the Framework should be applied. This makes it clear that the policies which are most important for determining the application are out-of-date granting planning permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.6 The Site is located in the Green Belt and will cause harm to its openness. However, the existence of VSC (as demonstrated below) in this case is sufficient to override the harms identified. It therefore follows that the application of the NPPF's policies relating to such matters do not provide a clear reason for refusing the Proposed Development, particularly as the Site is in a suitable and sustainable location for housing and the fact that the Proposed Development would not give rise to any technical concerns that would hinder its delivery.

6.7 Set out below is the Applicant's assessment of harm and VSC in the context of the above.

#### Green Belt Policy Context

6.8 Policies 1 (Metropolitan Green Belt) of the Local Plan and the adopted Proposals Map confirms that the Site is included in the Green Belt. Paragraphs 148 of the NPPF explain that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It goes on to set out the Green Belt 'test' which is that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposals, is clearly outweighed by other considerations. Paragraph 147 makes it clear that inappropriate development which is, by definition, harmful to the Green Belt should not be approved except in very special circumstances.

6.9 Although paragraphs 147 and 148 of the NPPF provide the most up-to-date basis against which to assess the merits of the Proposed Development, the Applicant's note that Policy

1 of the Local Plan<sup>15</sup> also explains that new development in the Green Belt is expected to:

- Integrate with the existing landscape. Siting, design and appearance is particularly important and additional landscaping will normally be required; and
- Avoid significant harm to the ecological value of the countryside.

6.10 The above policy context means that the Proposed Development will be unacceptable in principle, and the VSC will not exist, unless the harm to the Green Belt is clearly outweighed by the other considerations meeting the NPPF test and the harm caused and the Proposed Development is integrated within the landscape, and in this eventuality planning permission should be granted.

6.11 The remainder of this section of the Planning Statement will consider:

- I. The harm to the Green Belt;
- II. The VSC that justify the Proposed Development;
- III. If the Site is a suitable and sustainable location for development; and
- IV. If the Proposed Development is integrated into the adjacent settlement and landscape.

I. Harm to the Green Belt

6.12 Paragraph 137 of the NPPF explains that:

*"The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."*

6.13 Policy 1 of the SACDC Local Plan, and paragraph 149 of the NPPF conclude that housing development in the Green Belt is deemed to be 'inappropriate'. Inappropriate development in the Green Belt is by definition harmful, and 'substantial weight' should be given to any harm (para 148 NPPF). It is deemed to be harmful to the five purposes of the Green Belt, as set out in paragraph 138 of the NPPF:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and

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<sup>15</sup> Policy 1 is deemed to be an out-of-date policy. As such, only limited weight can be applied to the design expectations for new development included in this policy.

e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.14 While consideration of the contribution of the Site to the Green Belt purposes is a key element of an assessment of harm to these purposes should the Site be released, but additional factors that a harm assessment should consider include:

1. The extent to which the release and development of land would affect the integrity of the adjacent Green Belt land;
2. The strength of the Green Belt boundary; and
3. The relationship of the land to the urban area and the countryside.

6.15 The NPPG (Paragraph: 001 Reference ID: 64-001-20190722) states:

*"Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:*

- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation."*

6.16 The Applicant's Green Belt Assessment undertakes a detailed assessment of harm in the context of the five Green Belt Purposes, as set out in paragraph 138 of the NPPF:

1. *to check the unrestricted sprawl of large built-up areas;*
2. *to prevent neighbouring towns merging into one another;*
3. *to assist in safeguarding the countryside from encroachment;*
4. *to preserve the setting and special character of historic towns; and*
5. *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

6.17 Set out below is an extract of the assessment, which concludes that the Proposed Development will result in harm to the openness of the Green Belt within the Site but will not cause harm to the openness of the remaining Green Belt or its ability to contribute to the purposes of the Green Belt. This conclusion aligns with conclusions of SACDC's Green Belts Review undertaken in 2013 (Part 1) and 2014 (Part 2).

<b>NPPF Purposes of the Green Belt</b>	<b>Existing Contribution of the Site</b>	<b>Part 1 Strategic Assessment (2013)</b>	<b>Part 2 Refined Assessment (2014)</b>
<p>Purpose 1:</p> <p>To check the unrestricted sprawl of large built-up areas</p>	<p>No contribution</p> <p>The Site is not within the vicinity of any large-built up areas. Therefore, it does not act as an effective barrier against sprawl from any such large built-up areas. Neither does it contribute, as part of a wider network of parcels, to a strategic barrier against the sprawl of any such built-up areas. The Proposed Development will be a well-designed extension to the settlement, providing a rational rounding off of the settlement morphology, such that it would not constitute sprawl.</p>		
<p>Purpose 2:</p> <p>To prevent neighbouring towns from merging</p>	<p>Limited or no contribution</p>	<p>The Site forms a small part of the much wider swathe of Green Belt between the first-tier settlements of St Albans, Hemel Hempstead and Watford, and lies within the Strategic Gap between St Albans and Watford. At over 4km this Strategic Gap is of sufficient scale and character that the settlements are unlikely to merge. The M25 and M1 provide boundaries that are likely to prevent any perceptual coalescence between these settlements. The A414 provides a similar boundary prevent perceptual coalescence between Chiswell Green and St Albans.</p> <p>Therefore, the Site is unlikely to play any role in preventing development that would result in the merging of or significant erosion of the gap between neighbouring settlements, since it does not provide a sufficiently substantial gap between any settlements and makes no discernible contribution to separation.</p> <p>There is no evidence of ribbon development along transport corridors near enough to the Site, and it therefore cannot be considered to play a part in preventing further ribbon development.</p>	<p>Development of the Site would not result in the merging of towns and would not constitute a step towards the coalescence of any settlements. Development of the Site offers the opportunity to create strong and defensible landscape boundaries, particularly on the western edge of the Site, which would retain a separation of development from existing listed buildings within the Green Belt to the west.</p>
<p>Purpose 3:</p>	<p>Partial contribution</p>	<p>Built development already exists on the Site, covering 4% of the parcel. The Site does not possess a strong unspoilt</p>	<p>The Site is largely contained by clearly defined obvious natural boundaries that are formed by hedgerows and hedgerow trees</p>

<b>NPPF Purposes of the Green Belt</b>	<b>Existing Contribution of the Site</b>	<b>Part 1 Strategic Assessment (2013)</b>	<b>Part 2 Refined Assessment (2014)</b>
To assist in safeguarding the countryside from encroachment		<p>rural character due to the influence of the adjacent urbanising elements at Chiswell Green, the perception of which is apparent on the Site since the majority of views both within and towards the Site are seen in the context of: residential built form adjacent to the Site; agricultural built form within the landscape to the south and west of the Site; and pylons in the middle ground, often breaking the skyline. Agricultural land uses exist within the Site, but its character as countryside is heavily influenced by its urban fringe location, and this is reflected in the lack of established national or local designation.</p> <p>Therefore, whilst only a very small proportion of the Site is covered by development, there is a limited rural character due to the urban fringe location, such that the Site makes only a partial contribution to safeguarding the countryside from encroachment.</p>	<p>as well as blocks of woodland. These existing boundaries would be maintained and enhanced by the comprehensive landscape strategy, which would create a strong and defensible boundary that would allow for the Proposed Development to be delivered on the Site. The landscape strategy would create a new Green Belt boundary that delivers a linear landscape buffer defined by the restored and reinforced hedgerow along the western boundary of the Site.</p> <p>Whilst the development of the Site would result in the loss of countryside, further encroachment would be limited to, and contained by, the robust, clearly defined boundaries to the Site, thus preventing any further encroachment into the adjacent landscape.</p>
<p>Purpose 4:</p> <p>To preserve the setting and special character of historic towns</p>	<p>No contribution</p> <p>The Site does not abut an identified historic settlement core. Therefore, the Site does not protect any land which provides immediate or wider context for a historic town or any views or vistas between any such town and the surrounding countryside.</p>		

6.18 The Applicants acknowledge that the loss of Green Belt is to be given **substantial weight**, however this weight is to be considered in the context that the existing Site makes a partial contribution to only one of the purposes of the Green Belt (Purpose 3) to assist in safeguarding the countryside from encroachment. To the other four purposes<sup>16</sup>, it makes a limited or no contribution, as a result of its location relative to large built-up areas,

<sup>16</sup> In respect of the 5<sup>th</sup> purpose of the Green Belt (to assist in urban regeneration, by encouraging the recycling of derelict and other urban land), SACDC has undertaken an Urban Capacity Study and has concluded that there is insufficient capacity in its urban areas to meet its full housing needs, requiring Green Belt land to be released.

historic towns and towns at risk of merging [these conclusions are also supported by SACDC's November 2013 Green Belt Review: Purposes Assessment].

6.19 It should also be considered in the context that:

- There is a recognised need for Green Belt land to be released if the current needs of the District are to be met, particularly as SACDC's Urban Capacity Study (January 2022) confirms that there is only enough capacity on urban sites to meet 14% of the District's housing needs;
- If SACDC is to support development on Green Belt land to meet the District's full housing need, it should start by releasing sites that would result in the least amount of harm to the purposes of the Green Belt and would have the least amount of landscape sensitivity. In this context:
  - SACDC's Green Belt Review (2013) considers the Site, out of all the Broad Locations assessed, would result in the least harm to the five-purposes of the Green Belt;
  - SACDC's Green Belt Review Sites & Boundaries Study (February 2014) identifies the Site as an 'Area of Lower Landscape/Visual Sensitivity', as 'Land for potential Green Belt release', and an area for 'Potential urban development area, infrastructure & POS';
  - The Site was identified as a Broad Location site S6x), West of Chiswell Green, for new homes in the Publication Draft Local Plan prepared by SACDC in 2018;
  - The SSNP confirms that the Site is an appropriate location for development as it would fall into the built-up area boundary on the SSNP's policies map; and
  - The Applicant's Green Belt Review and Landscape & Visual Impact Assessment demonstrate that the Proposed Development will be read as a logical extension (integration) to the existing settlement pattern, will be visually attractive and sympathetic to the character of the area and will be softened to integrated within the landscape through the establishment of substantial areas of new tree planting.

6.20 The Applicant's Green Belt Assessment also assesses the Proposed Development against the characteristics of the Green Belt (e.g., its openness and permanence). It concludes that the development of the Site would cause only a limited loss of physical and perceptual openness and would have very little effect on the openness of the remaining Green Belt. This is because:

- Built form already covers 4% of the parcel, and built form on the settlement edge of Chiswell Green encloses the Site to the north, east and south-east;
- Visual openness is also limited by the existing vegetated field boundaries which truncate views between the various fields within the Site as well as limiting intervisibility between the Site and the remaining Green Belt to the west;
- Views from the settlement edge toward parts of the Site and toward the wider Green Belt beyond are also interrupted by the existing field boundary vegetation;
- The Proposed Development layout has been carefully considered to form a coherent extension to the existing developed settlement of Chiswell Green; and
- The Proposed Development would be set within a comprehensive landscape framework, with the provision of significant tree and shrub planting in keeping with the wider landscape character.

6.21 The Applicant's Green Belt Assessment highlights that the significant improvements to public access and recreation within the Site would provide a substantial increase in the connection of accessible land and accessible routes through the Site. This would make a small contribution to the connectivity of publicly accessible routes that are located within the Green Belt beyond the boundary of the Site, by providing access from Long Fallow and Forge End through the Site to the network of PRow to the north that adjoin Chiswell Green Lane immediately to the north of the Site. This aligns with paragraph 138 of the NPPF which states, with regard to councils drawing up revised Green Belt boundaries, that... *"They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land"*.

6.22 In accordance with paragraphs 138, 140 and 143 of the NPPF, the Proposed Development and consolidation of the existing settlement of Chiswell Green would respect the pattern of existing landscape features and would provide a new, defensible and robust boundary to development that would also contribute positively to the wider landscape character and improve access to the remaining Green Belt.

6.23 In line with the guidance set out in Policies 1 (Metropolitan Green Belt) of the Local Plan and paragraphs 147 and 148 of the NPPF, **substantial weight** must be afforded to harm to the Green Belt. However, given that the Green Belt Review submitted by the Applicant demonstrates that the harm to openness is limited to within the boundaries of the Site, the level of harm to the Green Belt is **"limited"** in visual and spatial terms. This is to be considered against the wider landscape character and accessibility improvements.



## II. VSC

- 6.24 There is no statutory definition of what constitutes VSC, nor is there a default list set out in national, regional or local policy. Each case is taken on its own site-specific circumstances and merits. VSC is often an accumulation of multi-faceted circumstances (or component parts) that combine to create a 'VSC case'.
- 6.25 Policies 1 of the Local Plan and paragraphs 147 and 148 of the NPPF explain that VSC will not exist unless any harm to the Green Belt, by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Policy 65 (Education Facilities) also expresses the same VSC test when considering proposals for education related infrastructure in the Green Belt.
- 6.26 As demonstrated in Section 5 of this Planning Statement, recent decisions by SACDC<sup>17</sup> and appeal decisions<sup>18</sup> have clarified that the 'other considerations' referred to in para 148 can include delivery of new homes to overcome unmet housing need, the delivery of self-build plots, the delivery of education infrastructure and other benefits such as publicly accessible open space and a BNG are capable of clearly outweighing harm to the Green Belt and any other harm so as to establish very special circumstances.
- 6.27 When considering the context that supports this planning application which are described in Sections 2 and 5 of this Planning Statement<sup>19</sup>, the Proposed Development will deliver benefits that are 'significant' in terms of their magnitude. These include:
- The delivery of up to 391 market homes;
  - The delivery of affordable homes (40%);
  - The delivery including 3% self-build plots;
  - Facilitating the delivery of land for education infrastructure;
  - The delivery of open space and playspace for the future occupiers of the Site and the wider local community to enjoy; and
  - A commitment to achieve a 10% BNG.
- 6.28 **Very substantial weight** is attached to the delivery of the Proposed Development's market

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<sup>17</sup> Sewel Park decision

<sup>18</sup> APP/B1930/W/20/3265925, 3265926 Redhouse Farm, Colney Heath & 3273701 Land south of Heath Lane, Codicote.

<sup>19</sup> Including: 1) acute need for housing; SACDC's lack of urban capacity sites; SACDC's agreed need to release Green Belt sites; 3) the delays in the local plan review and the presumption in favour of housing proposals; 4) the suitability and deliverability of the Site; 5) the absence of constraints.

and affordable housing, and **substantial weight** is attached to the delivery of the self-build plots, education land, open space and the BNG.

6.29 There are no significant environmental, physical, or other constraints on the Site that should prevent these benefits being delivered, as explained in the Section 7 of this Statement.

### III. Suitable & Sustainable Location for Development

6.30 Notwithstanding the Green Belt status of the Site, the Site is in a suitable and sustainable location for development for the following reasons:

- It is located on the edge of Chiswell Green - Local Plan Policy 2 (Settlement Strategy) explains that SACDC will normally encourage development to be concentrated in towns (e.g., St Albans) and specified settlements (e.g., Chiswell Green);
- The Site has access to all of the shops and socio-economic services provided by the settlement and in the local area (as demonstrated in Section 1 and the Applicant's Socio-Economic Assessment);
- The Site is highly accessible by various modes of transport (as demonstrated in Section 1 and the Applicant's Transport Assessment);
- There are no significant environmental, physical, or other constraints that should prevent the redevelopment of the Site, as discussed in Section 8;
- SACDC's evidence base delivers a similar conclusion:
  - SACDC's SHLAA (updated in May 2018) explains that the Site should be considered further for potential housing development;
  - SACDC's Publication Draft Local Plan (2018) identified the Site as a Broad Location site S6x), West of Chiswell Green, for new homes and a 2FE primary school; and
  - SACDC's HELAA (2022) which confirms that the Site has been identified as a 'potential site for housing'.
- The SSNP confirms that the Site is an appropriate location for development as it would fall into the built-up area boundary on the SSNP's policies map.

6.31 The suitability and sustainability of the location weighs in favour of the Proposed Development and the development of the Site can therefore help reduce pressures on less sustainable locations elsewhere. The Applicant's consider that '**substantial weight**' should be given to this benefit of the Proposed Development, as per the weighting given in the Sewell Park development in the Planning Referrals Committee Report (para. 8.10.2).

#### IV. Integrated into the settlement and Landscape

- 6.32 Policies 1 and 2 of the Local Plan are rather more stringently expressed than the advice of the NPPF, in so far as it requires new development to integrate with the landscape and settlements and have regard to the character and appearance of the Green Belt<sup>20</sup>.
- 6.33 The Site is situated immediately adjacent (contiguous) to Chiswell Green, adjoining the existing built-up area, with existing residential development to the east, south and opposite part of the northern boundary. The Applicants' Design & Access Statement demonstrates how the Proposed Development will integrate with the character of the existing settlement.
- 6.34 Sections 7 and 8 of the LVIA demonstrate that landscape integration is secured through a comprehensive landscape strategy that will deliver a high-quality boundary treatment and green landscaping that will help to mitigate any detrimental visual impacts on the countryside. This includes the proposed boundary buffer along the western boundary of the Site which is combined with that of the Butterfly World estate to the west (notably its landscape bunds and mature boundary trees) which will integrate and filter views of the development.

#### iii) **Conclusion**

- 6.35 In terms of the principle of development, the harm of the Proposed Development on the Green Belt carries **substantial weight**, albeit that this harm is limited in spatial and visual terms.
- 6.36 The benefits of the Proposed Development carry **very substantial weight** (e.g. market and affordable housing) and **substantial weight** (e.g. self-build plots, education land, open space and the BNG) and the reduction of pressure on developing in less sustainable locations elsewhere carries **substantial weight**. There are a number of recent appeal decisions within the District and beyond that support development in the Green Belt land under very special circumstances. Whilst each application must be considered on its own merits having regard to prevailing policy and all material considerations, these decisions confirm that appropriate weight must be applied to the components of the VSC supporting these decisions.

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<sup>20</sup> Policy 1 is deemed to be an out-of-date policy. As such, only limited weight can be applied to the design expectations for new development included in this policy.

6.37 The Applicants conclude that the harm of the Proposed Development to the Green Belt, by way of inappropriateness, is clearly outweighed by other considerations which in our judgement are planning benefits, in accordance with paragraph 148 of the NPPF (2021), policies contained the Local Plan<sup>21</sup> and the policy S1 of the St Stephen Neighbourhood Plan.

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<sup>21</sup> Including policies 1 (Green Belt), 2 (Settlement Strategy), 34 (highway Consideration), 84 (Flood Risk), 102 (Loss of Agricultural Land).

## 7.0 PLANNING CONSIDERATIONS – PART 2 (SUSTAINABLE DEVELOPMENT & AFFORDABLE HOUSING STATEMENT)

### i) Introduction

7.1 This section of the Planning Statement sets out the consideration of the Proposed Development against relevant planning policy and guidance relating to:

- Sustainable forms of development;
- Affordable housing delivery; and
- Development management matters.

### ii) Achieving Sustainable Development

7.2 The purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives:

*a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

*c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

7.3 The Proposed Development will fully accord with the three objectives of the planning system, as follows:

#### **A) Delivery of Social Benefits**

*Housing Delivery, including Affordable Housing and Self-Build Housing*

7.4 Chapter 5 of the NPPF sets out that to support the Government's objective of significantly

boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed (paragraph 60, NPPF).

- 7.5 As detailed in Section 5 of this Statement, SACDC are unable to demonstrate a 5-year Housing Land Supply, is failing to deliver its full requirement for self-build plots, failing to meet its housing delivery test target and has a clear and pressing need for affordable housing within the District, with an estimated shortfall of 4,000 dwellings. The Proposed Development will deliver up to 391 new homes (including 40% affordable homes and 3% self-build plots) to help address SACDC's 5-YHLS shortfall and will include a range of different typologies, including market sale, affordable homes and self-build plots. This is a significant social benefit for the community, meets the objectives of the NPPF and weighs heavily in favour of the Proposed Development.

*Land for new Community Facility (Primary School)*

- 7.6 Policy 65 (Education Facilities) seeks that new schools in the Metropolitan Green Belt will only be permitted if very special circumstances can be demonstrated, and that there is an overriding need for the proposal to cater for children living within the District. In this context:

- The Withdrawn Local Plan, and its Policy S6x (West of Chiswell Green Broad Location) site allocation, sought the provision of land for a 2FE primary school (including Early Years provision) as part of the redevelopment proposals for the Site; and
- HCC have indicated that they support the provision of a primary school on the Site as part of the Proposed Development as this will respond to a precautionary / preliminary need, and that this would add to the choice of provision in Chiswell Green and would ensure that the Proposed Development is fully mitigating its impact.

- 7.7 The Applicant's Education Report concludes that:

- There is some spare capacity in the existing primary school landscape, but that does not take into account development coming forward in Chiswell Green, including from the Proposed Development.
- A contribution towards additional secondary school provision is likely to be justified due to the lack of spare capacity, and the forecast for growing rolls; and
- Both early years and SEN contributions are also likely to be justified.

- 7.8 The Proposed Development will include land for a new community facility, namely a 2FE primary school, in the north-west corner of the Site. The early years contribution would be provided through the provision of nursery places at the new primary school, which HCC has indicated they would support. The secondary school and SEN contributions would be a monetary contribution towards expanded provision if a deficit in places is demonstrated.
- 7.9 The Proposed Development would be in accordance with the NPPF and Policy 65, as VSC has been demonstrated as part of the justification for the Proposed Development. The appeal decisions detailed in [Appendix 5](#) of this Statement have clarified that the improvement, expansion and provision of education facilities have been identified as a significant benefit that weighs in favour of the Proposed Development.

*Delivery of New Open Space and Playspace*

- 7.10 Policy 74 (Landscaping and Tree Preservation) seeks the retention of existing landscape, including that significant healthy trees and other important landscape features, such as hedgerows, ponds and watercourses shall normally be retained unless it can be shown that retention is incompatible with overall design quality and/or economic use of the site.
- 7.11 The Proposed Development will be landscape-led and will:
- Retain existing trees and hedgerows;
  - Provide generous areas of open space across the Site that will be publicly accessible in the heart of the development with green corridors, new tree lined routes;
  - Provide play space facilities for different age groups which will be accessible to the local community;
  - Include landscaping screening will be implemented through the construction phase to soften the new built form, integrate the Proposed Development into the landscape character of the Site and surrounding areas, and assist screening the Proposed Development from nearby roads and fields; and
  - Secure pedestrian and cycle routes, including permeable routes through the Site with connections from Watford Road and Chiswell Green Lane.
- 7.12 The Proposed Development will therefore create further recreational and exercise opportunities that will contribute to the health and wellbeing of the community. It will also make a significant contribution to increasing the quality of the environment, providing

a range of social and recreational experiences.

- 7.13 Although the finer details of the landscaping will form part of the subsequent Reserved Matters submissions, it is considered that the Proposed Development will be in accordance with the principles of the NPPF and Policies 74 of the Local Plan.

### ***B) Delivery of Economic Benefits***

- 7.14 The Applicant's Socio-Economic Statement considers the existing socio-economic conditions of the Site and surrounding area and provides an assessment of the social and economic benefits associated with the Proposed Development.

- 7.15 Based on the average of Council Tax bands (groups A and H) for 2021/2022, relating specifically to SACDC, the Proposed Development's 391 homes could generate around £920,287 in Council Tax payments per annum. The New Homes Bonus Calculator provided by the Ministry of Housing, Communities and Local Government (MHCLG) identifies that the Proposed Development's provision of 391 new homes could equate to a New Homes Bonus of £796,904 over a one-year period<sup>22</sup>. This additional revenue can be used by SACDC towards local services such as education, libraries, social care, emergency services, maintaining parks and recreation facilities, street lighting and transport.

- 7.16 The 391 additional households created by the Proposed Development could generate an additional £10.9m in commercial expenditure per annum broken down as follows:

- Annual convenience goods expenditure of £2.9m;
- Annual comparison goods expenditure of £4.5m; and
- Annual expenditure on leisure goods and services of £3.5m.

- 7.17 It is estimated that the Proposed Development will support 214 direct construction jobs each month over the proposed 48-month construction period (July 2023 to June 2027). Employment will be created across all construction disciplines from ground workers to construction management. It is also estimated that a further 207 indirect jobs will be created as a result of construction of the Proposed Development.

- 7.18 Gross Value Added (GVA) will be created via the direct and indirect construction jobs. Oxford Economics estimate that the average GVA per construction worker in the SACDC area is £80,524 per annum. Applied to the 214 direct construction jobs supported by the

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<sup>22</sup> Based on properties being within Council Tax band D.



Proposed Development, this would generate approximately £68.8m of GVA over the 48-month construction period. Applying the national average GVA per worker (across all sectors) of £55,341 to the 207 indirect construction jobs supported by the Development, this would generate approximately £45.8m of GVA over the 48-month construction period. This would provide a combined GVA from direct and indirect construction employment of £114.6m over the construction period.

- 7.19 The Proposed Development will accommodate approximately 1,010 additional residents, of which 505 will be in employment. Utilising a GVA per worker figure of £50,526 per annum<sup>23</sup>, it is estimated that those residents in employment could generate around £25.5m of economic output (GVA) per annum, contributing to the success of the local and wider economy.
- 7.20 The Proposed Development would generate a number of economic benefits, including through construction activities and direct and indirect employment, and these benefits are a significant material consideration that weighs heavily in favour of the Proposed Development and will accord with the objectives of the NPPF.

### ***C) Delivery of Environmental Benefits***

- 7.21 Policy 106 (Nature Conservation) states that the Council will take account of ecological factors when considering planning applications.
- 7.22 The NPPF requires compensation for loss of biodiversity (paragraph 180) but does not require net gain, and there is currently no statutory basis for requiring net gain at this time. While the Environmental Act 2021 seeks a 10% BNG, the secondary legislation needed to secure this has not yet come into force.
- 7.23 The Site does not contain any protected species. It largely comprises poor or moderate grassland and trees and hedgerows of value. The Proposed Development will retain the valued trees and hedgerows and will deliver a range of habitats including grassland, scrub, trees, traditional orchards and native species rich hedgerows.
- 7.24 An initial Biodiversity Net Gain (BNG) Assessment has been included with the application which, based on the illustrative proposals, demonstrates that the proposals can be expected to deliver a net gain of around 42% in terms of hedgerow units. A net gain of habitat units will be more difficult to achieve on site, and thus it is proposed that , a

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<sup>23</sup> Oxford Economics (2015-2019) average GVA for SACDC

financial contribution will be paid towards offsite habitat enhancement/creation resulting in an uplift of around 20 units, which will equate to an overall net gain of 10%. It is anticipated that the BNG Assessment will be repeated at the reserved matters stage when the landscaping proposals are detailed and the extent of habitat creation on site is confirmed.

- 7.25 It should be noted the biodiversity units calculated for the site post-development do not take into consideration enhancement features added such as log piles, bird nesting boxes or bat boxes/tubes, all of which should be installed across the site. It is therefore likely the net biodiversity gain would be higher as a result of these additional measures.
- 7.26 The proposed planting throughout the Site will create a more diverse range of habitats within the Site than is there currently, potentially attracting a wider range of wildlife to the Site. This will help to support the local ecological network, supporting ambitions as set within the Environment Bill. However, ultimately to achieve a measurable net-gain in biodiversity, an offsite financial contribution towards habitat enhancement/creation will be required, with a focus on creating higher value grassland habitat to compensate and improve upon what is to be lost from the Site. The Applicants commitment to deliver 10% biodiversity net gain counts as a benefit of the Proposed Development, to which it is considered that **substantial weight** should be applied, in accordance with the objectives of the NPPF and Policy 106 of the Local Plan.
- 7.27 The Applicants note that the Site is located outside of the Chiltern Beechwood SAC and no impacts on this SAC have been identified.

### **Conclusion - Achieving Sustainable Development**

- 7.28 It is considered that each of the economic, social and environmental objectives of the NPPF and SACDC's Local Plan are met by the Proposed Development and combine powerfully in a mutually supportive way in reinforcing the sustainable development credentials of the Proposed Development. This further reinforces the "presumption of sustainable development" being applied to this sustainable development, as set out in Paragraph 11d of the NPPF.

### **iii) Affordable Housing Statement**

- 7.29 The key Local Plan policies and guidance that are relevant to affordable housing delivery are:

- Policy 7A (Affordable Housing in Towns and Specified Settlements); and
- Affordable Housing SPG 2004.

7.30 Policy 7A explains that SACDC seeks to provide 200 affordable houses per annum. Affordable housing will be negotiated on sites of over 0.4 hectares or 15 or more dwellings. The policy relates to affordable housing in the District's towns and specified settlements but also applies to open market housing developments that may be permitted in the Green Belt as an exception to normal Green Belt policy. The policy refers to SACDC's intention to produce supplementary planning guidance on affordable housing, which was adopted in 2004 and is dealt with below.

7.31 SACDC's Affordable Housing SPG (2004) sets a site size threshold above which SACDC seeks an element of affordable housing of 25 dwellings or 1 hectare. The percentage of affordable housing required will normally be 35%.

7.32 The Proposed Development will deliver 40% of the new homes as affordable homes, in the form of social rent, affordable rent, first homes and intermediate tenures. Set out below is an indicative affordable housing mix for the Proposed Development:

	Affordable				Total	%
	Social Rent	Affordable Rent	First Homes	Intermediate		
1-bed (2p)	6	7	33	0	46	29.49
2-bed (3p)	23	8	0	0	31	19.87
2-bed (4p)	11	9	6	4	30	19.23
3-bed (6p)	5	4	0	36	45	28.85
4-bed (7p)	2	2	0	0	4	2.56
<b>Sub-Total</b>	<b>47</b>	<b>30</b>	<b>39</b>	<b>40</b>		
	<b>(30%)</b>	<b>(19%)</b>	<b>(25%)</b>	<b>(26%)</b>		
<b>Total</b>	<b>156</b> <b>(100%)</b>				<b>156</b>	<b>100%</b>

7.33 The precise unit mix will be determined at a later stage through subsequent Reserved Matters applications.

7.34 The Proposed Development would be in accordance with Policy 7A, as the affordable

housing would meet local needs, and this need cannot be met in a non-Green Belt location. The Proposed Development would also exceed the 35% requirement in SACDC's Affordable Housing SPG by providing 40% affordable housing (on a unit basis). The delivery of 156 affordable homes carries 'very substantial' weight in the determination of the planning application.

7.35 It is worth considering the context for this conclusion. Set out below is a table taken from page 135 of SADC's Monitoring Report April 2019 – March 2020 (December 2020). It sets out the number of affordable homes that have been completed since 1994/95.

Monitoring Year	Dwelling Completions (Net)			Percent Affordable (%)	
	Annual Total	Affordable Housing			
		Policy 7A/8	Other Policy	Total	
1994/95	418	26	70	96	23
1995/96	474	125	45	170	36
1996/97	238	8	49	57	24
1997/98	415	35	-41	-6	-1
1998/99	529	58	66	124	23
1999/00	600	32	-7	25	4
2000/01	415	4	26	30	7
2001/02	356	44	20	64	18
2002/03	301	26	19	45	15
2003/04	248	0	7	7	3
2004/05	601	206	37	243	40
2005/06	329	18	10	28	9
2006/07	377	0	10	10	3
2007/08	293	17	19	36	12
2008/09	398	85	7	92	23
2009/10	272	119	10	129	47
2010/11	382	102	13	115	30

2011/12	380	12	8	20	5
2012/13	320	75	30	105	33
2013/14	375	27	-69	-42	-11
2014/15	313	8	62	70	22
2015/16	396	83	14	97	24
2016/17	340	38	21	59	17
2017/18	385	95	11	106	28
2018/19	624	71	11	82	13
2019/20	437	24	7	31	7
<b>Total</b>	<b>10,216</b>	<b>1,338</b>	<b>455</b>	<b>1,793</b>	<b>18</b>
<b>Average Dwellings per Annum (1994/95 to 2019/20)</b>	<b>393</b>	<b>51</b>	<b>18</b>	<b>69</b>	<b>18</b>

7.36 The above table confirms that between 1994/95 and 2019/20, SACDC has only delivered an average of 393 homes and an average of 18% affordable housing per annum.

7.37 The Applicants' Five Year Housing Supply report explains that over the past five years SACDC has delivered on average 460 dwellings per annum. Consequently, affordable housing delivery has also been low, representing just 20% of the total provision. This represents a significant under delivery, with a corresponding under-delivery of affordable housing to address local needs. Again, this context helps to support the **very substantial weight** conclusion.

7.38 In their determination of the planning application (SACDC Ref: 5/2021/0423/LSM) for the Sewell Park, SACDC confirms in paragraphs 8.7.2 of the Planning Referrals Committee report that "...there is also a clear and pressing need for affordable housing within the District". This clear and pressing need is also discussed in the Colney Heath Appeal Decision in June 2021:

*"53. The uncontested evidence presented by the appellant on affordable housing for both local authorities illustrates some serious shortcomings in terms of past delivery trends... In SADC, the position is equally as serious. Since the period 2012/13, a total of 244 net affordable homes have been delivered at an average of 35 net dwellings per annum. Again, this equates to a shortfall also in the region*

*of 4000 dwellings (94%) which, if to be addressed in the next 5 years, would require the delivery of 1185 affordable dwellings per annum.*

*54. The persistent under delivery of affordable housing in both local authority areas presents a critical situation. Taking into account the extremely acute affordable housing position in both SADC and WHBC, I attach very substantial weight to the delivery of up to 45 affordable homes in this location in favour of the proposals."*

- 7.39 Once again, this context helps to support the **very substantial weight** conclusion.
- 7.40 Although this carries limited weight, it is noted that the Withdrawn Local Plan, and its Policy S6x (West of Chiswell Green Broad Location) site allocation, sought an affordable housing provision of 40%.
- 7.41 In terms of tenure, neither Policy 7A or the SPG set any specific requirements on tenure split or mix but states that SACDC will negotiate a range of tenures for the affordable housing provision, but the majority of the provision is expected to be general needs rented. The Proposed Development will deliver a range and tenure types and dwelling sizes in accordance with the requirements of Policy 7a and the SPG.
- 7.42 The Applicants are also aware that First Homes (discounted by 30% against market value) are Central Government's preferred choice of discounted market tenure and should account for at least 25% of all affordable housing delivered by developers. This is explained in a Ministerial Statement published on 24<sup>th</sup> May 2021. The Proposed Development will deliver 25% First Homes in accordance with the Ministerial Statement.

#### **iv) Development Management Matters**

##### Transport and Highways

- 7.43 Policy 34 (Highways Considerations in Development Control) states that development likely to generate a significant amount of traffic, or which involves the creation or improvement of an access onto the public highway, will not normally be permitted unless acceptable in terms of the following highway considerations, namely road safety, environmental impact of traffic, road capacity, road hierarchy, and car parking provision. In assessing applications, SACDC will take into account the advice contained in current documents prepared by Department of the Environment, Department of Transport, Hertfordshire County Council and SACDC.
- 7.44 Policy 35 (Highway Improvements in Association with Development), in conjunction with

HCC's highways aspirations, will seek to mitigate the highway effects of development proposals through highway improvements and/or improvements to the public transport system paid for by developers.

7.45 Local Plan policy 36A (Location of New Development in Relation to Public Transport Network) states that SACDC will generally encourage the use of public transport. In considering the impact of new development, account will be taken of its proximity to the public transport network and whether facilities will be provided within the development to cater for use of the network.

7.46 The Applicant's Transport Assessment (TA) has assessed the highway capacity impact at the following off-site junctions:

- Watford Road / Long Fallow – ghost island / right turn lane priority T-junction;
- Watford Road / Forge End – priority T-junction;
- Watford Road / Chiswell Green Lane / Tippendell Lane – double mini-roundabout
- North Orbital Road / Tippendall Lane – roundabout;
- North Orbital Road / Watford Road – roundabout; and
- North Orbital Road / Watling Street / A414 – roundabout.

7.47 The TA concludes that the increase in traffic flows at the above junctions indicate that only three junctions would experience an increase in traffic flows of over 5%. These junctions are the Forge End / Watford Road junction, the Watford Road / Long Fallow junction, and the Watford Road / Chiswell Green Lane / Tippendell Lane double mini-roundabout. Consequentially, the impact at the other three junctions would be smaller.

7.48 The TA demonstrates that the Forge End and Long Fallow junctions with Watford Road would continue to operate within capacity at peaks times and there would not be a severe impact at these junctions in accordance with paragraph 11 of the NPPF and Policies 34 and 35 of the Local Plan.

7.49 The Watford Road / Chiswell Green Lane / Tippendell Lane double mini-roundabouts currently operate over capacity and would experience increased queuing and delays as a result of the Proposed Development. However, the Proposed Development includes:

- The provision of sustainable transport improvements to encourage residents and school pupils to utilise sustainable transport modes rather than using a private car use, in line with paragraph 110 of the NPPF and Policy 34. This will reduce

the car-borne trip generation and reduce the impact at the off-site junctions outlined identified above.

- The proposed sustainable travel improvements include the following:
  - the diversion of bus route 321 into the northern land parcel to ensure that all dwellings are within a 5-minute walk of a bus stop;
  - improved cycle facilities on Chiswell Green Lane to link to the existing quiet road route on Stanley Avenue for cyclists travelling to / from St Albans;
  - a footway / cycleway and Tiger crossing at the Watford Road / Forge End junction to provide a connection to Farringford Close which provides a quiet road link to National Cycle Route 6 and How Wood Station; and
  - a footway / cycleway on Watford Road at its junction with Long Fallow to connect to the existing footway / cycleway to Watford.

7.50 The TA anticipates that the above improvements will reduce the car mode share from 66% to 50%, which will reduce the impact at the junctions identified above. The associated sensitivity test of junction capacity shows that following the implementation of these sustainable travel improvements, the impact at the aforementioned junctions cannot be considered as severe in accordance with paragraph 111 of the NPPF.

7.51 The Transport Assessment concludes that the Proposed Development is acceptable in highways and transport terms and would be in accordance with the objectives NPPF and Policies 34, 35 and 36A of the Local Plan.

### *Parking*

7.52 Policy 39 (Parking Standards, General Requirements) requires development proposals to include off-street parking provision and for parking standards to be complied with, including parking for disabled people. Parking provision is also required for bicycles and motorcycles. Policy 40 (Residential Development Parking Standards) details the parking standards required for different residential dwelling sizes, and also states that a lower parking requirement will be applied to affordable housing schemes if secure arrangements are made to ensure that the housing will remain "affordable" in perpetuity.

7.53 SACDC's Revised Parking Policies and Standards (2002) did not include new residential parking standards but proposed a zonal approach, with a greater degree of parking restraint in the more accessible areas. It notes that applications will be encouraged to meet existing Local Plan standards, but schemes slightly below the standards may be



accepted.

- 7.54 As the planning application is in 'Outline', the final parking provision will be confirmed as part of the future Reserved Matters when the layout is finalised. In the meantime, the TA confirms that parking provision for both the residential development (between 994 and 1,030 spaces) and the primary school will be provided in accordance with the 'St Albans Revised Parking Policies and Standards' and Policies 39 and 40 of the Local Plan.
- 7.55 In accordance with Approved Doc S of the Building Regulations, Electric Vehicle Charging Points (EVCP) will be provided even though SACDC's planning policy and parking standards do not set out a specific provision for EV charging points. Consequently, as part of a future Reserved Matters application all dwellings would have EVCP. Liaison will be undertaken with HCC to determine an appropriate EVCP provision within the school site.
- 7.56 Cycle parking will be provided in accordance with the 'St Albans Revised Parking Policies and Standards'. For residential dwellings, this comprises one space per dwelling (if no garage or shed is provided). For the primary school, there should be at least 1 space per 10 full time members of staff and one space per 15 students.
- 7.57 A Framework Construction Management Plan is appended to the TA and is a dynamic document that will develop and evolve as part of the Reserved Matters applications, and any construction requirements and constraints identified in the future. This should ensure that the construction of the Proposed Development does not have an undue detrimental impact on road safety, the environmental impacts of traffic, and road capacity, in accordance with Policy 34 of the Local Plan. The Applicants are willing to accept a condition in relation to requirement for a Construction Management Plan to be approved prior to the commencement of development.
- 7.58 The Proposed Development is therefore considered to be in accordance with the objectives of the NPPF, Policies 34, 39 and 40 of the Local Plan and SACDC Revised Parking Policies and Standards (2002).

#### *Delivery of a High-Quality Development*

- 7.59 Policy 69 (General Design and Layout) seeks to ensure that developments possess an adequately high standard of design taking into account the scale, character and materials of the surroundings and other matters such as highway design and parking.

- 7.60 Policy 70 (Design and Layout of New Housing) states that the design of new housing should have regard to its setting and the character of its surroundings in terms of design, layout and landscaping. New housing development should provide for a mix of dwellings and roads and footpaths should be visually attractive and minimise pedestrian and vehicular conflict. Appropriate privacy, sunlight and daylight standards should be achieved and sufficient landscaping, amenity areas and open space should be provided.
- 7.61 Policy 74 (Landscaping and Tree Preservation) states that significant healthy trees and landscape features should be retained, new landscaping should be incorporated, and wildlife corridors should be established where the opportunity arises.
- 7.62 The Design Advice Leaflet No. 1: Design and Layout of New Housing (1998) expands on the requirements of Local Plan Policy 70 and sets out a host of urban design concepts and matters which should be considered in the design of new housing developments. The document provides advice and standards in relation to setting, layout, variety, safety, landscaping, privacy, sunlight and daylight, amenity space, materials and road and car parking provision.
- 7.63 Section 5 of this Planning Statement and the DAS, which includes a landscape strategy, set out the vision for the Proposed Development. The masterplan for the Site seeks to integrate the Proposed Development within the wider context, setting the layout, grains, pattern of streets, landscape and spaces, movement network and arrangement of development to create a coherent identity for new residents and the existing community to identify with.
- 7.64 Notwithstanding the above, the detailed design of the Proposed Development will not be considered as part of the outline planning application. The submission of the Parameter Plans provides the comfort that the requirements of Policies 69, 70 and 74 of the Local Plan and Design Advice Leaflet No.1 can be met at reserved matters stage.
- 7.65 It is noted that this position was adopted by the Inspector in the Colney Heath appeal decision (see [Appendix 5](#)), who noted Local Plan policies 69, 70 and 74 regarding design criteria and layout criteria, including but not limited to the dwelling mix, privacy between dwellings, parking, materials, landscaping and tree preservation. The Inspector noted (paragraph 21) “...*this is an outline scheme, and subject to the reserved matters submission, I can see no reason why the matters raised by policies...could not be appropriately addressed at reserved matters stage*”. SACDC took a similar view in the determination of the Sewell Park planning permission with the committee report

(paragraph 8.5.5) stating “*Detailed design considerations, controlled by policies 69, 70, and 74 of the St Albans Local Plan Review are not relevant to this outline planning application and there is no reason to consider that these policies could not be fully complied with at reserved matters stage*”.

### Flood Risk and Drainage

- 7.66 Policy 84 (Flooding & River Catchment Management) seeks to reduce the risk of flooding and ensure proper management of the river catchment through not allowing development in areas liable to flooding and requiring appropriate flood protection where the redevelopment of existing areas is at risk of flooding. Policy 84 also requires the inclusion of appropriate surface water runoff control measures if development is permitted.
- 7.67 Local Plan policy 84A (Drainage Infrastructure) will not normally grant planning permission for new development in areas which are considered to be at risk of sewerage flooding, or where development would result in an unacceptable increase in sewerage flood risk elsewhere. Policy 84A requires a detailed drainage impact study at planning application stage, and if planning permission is granted, it may be subject to a condition or agreement relating to the approval of a drainage strategy.
- 7.68 The Site is located entirely within Flood Zone 1, which is land at the lowest risk of fluvial flooding and is at very low risk from all other potential sources of flooding.
- 7.69 All surface water run-off from the Proposed Development is to be discharged by gravity to infiltration basins in order to provide sufficient storage volumes before discharging to the underlying chalk bedrock via deep boreholes, with no direct discharges off-site, maximising the use of above ground storage and source control. The proposed surface water drainage scheme, which includes SUDS measures, will provide storage for the 1 in 100 years, plus 40% climate change event without flooding from surface water.
- 7.70 The Applicants Flood Risk Assessment (FRA) refers to the pre-application advice received from SACDC and HCC, as the Lead Local Flood Authority (LLFA). The FRA demonstrates that the Proposed Development will:
- Not be at an unacceptable risk from fluvial flooding or other sources;
  - Not increase flood risk elsewhere;
  - Employ a surface water drainage strategy based on the principles of sustainable drainage; and
  - Provide effective pollution mitigation measures for the surface water run-off from

the Proposed Development, thereby avoiding any potential detrimental effects to groundwater.

- 7.71 Notwithstanding the above, the suitable adoption and maintenance regimes for SUDS will be developed when detailed proposals for the Proposed Development come forward at Reserved Matters stage and / or the discharge of condition stage.
- 7.72 The Applicants Foul Water and Utility Assessment examines all existing utility services known to be located within the vicinity of the Site, including gas, electricity, potable water, telecommunications, and foul water. It concludes that given the size and prevalence of existing infrastructure in the vicinity of the Site, it is not anticipated that there should be significant problems with provision of new supplies to the Site. Detailed plans and service loadings will be submitted to each supplier so that detailed proposals can be obtained for the provision of new supplies.
- 7.73 According to Thames Water records a public foul water sewer is located within the Site boundary in the north of the Site. This sewer may be required to be diverted or an easement provided in order to develop the Site. No other utilities apparatus was indicated to be located within the site boundary. It is proposed to provide a new foul water drainage system to serve the Proposed Development and connect to the existing public foul water sewer network via two outfalls. Thames Water, as local sewerage undertaker, is obliged to accept foul water flows generated by the Proposed Development and fund any network improvements that may be required to provide the necessary capacity via infrastructure charges payable by the developer. The Foul Water and Utility Assessment also concludes that there should be no particular difficulty in providing new foul drainage and utilities infrastructure to serve the Proposed Development.
- 7.74 The Proposed Development would be in accordance with policies 84 and 84A of the Local Plan, however the Applicants are happy to accept a condition should this be considered necessary.

#### Loss of Agricultural Land

- 7.75 Paragraph 174 of the NPPF seeks to protect land of geological or soil value. Local Plan policy 102 (Loss of Agricultural Land) explains that development resulting in the loss of high-quality agricultural land (Grade 1, 2 or 3a) will normally be refused. An exception to the policy may be made if there is an overriding need for the development and there is no alternative land of a lower quality which could reasonably be used.

- 7.76 The Agricultural Land Classification Report (ALCR) was undertaken in accordance with the Ministry of Agriculture Fisheries and Food Agricultural Land Classification (MAFF ALC) of England and Wales Revised guidelines and criteria for grading the quality of agricultural land 1988. The ALCR found that the Site comprises approximately 7.0 ha of Subgrade 3a land and 5.5 ha of lower quality Subgrade 3b land limited by stoniness or stoniness and wetness limitations. ALCR confirms that the loss of limited area of the lowest quality category of best and most versatile agricultural land (i.e. Subgrade 3a) is not considered to be significant, and the benefits of the Proposed Development would substantially outweigh the disbenefits in accordance with the NPPF and Local Plan policy 102.

*Heritage (Above Ground)*

- 7.77 The NPPF sets out Government planning policy with Chapter 16 providing policy guidance for conserving and enhancing the historic environment. The guidance recognises the importance of preserving assets in a manner appropriate to their significance and guides that any harm or loss to significance should require clear and convincing justification.
- 7.78 Paragraph 194 of the NPPF requires Applicants to describe the significance of those [heritage] assets potentially affected by proposed development. This assessment should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposed development on that significance.
- 7.79 Policy 86 (Buildings of Special Architectural or Historic Interest) requires development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting.
- 7.80 The Applicants Heritage Statement appraises the heritage significance of above ground designated heritage assets which have the potential to be affected by the Proposed Development. These heritage assets include the Three Hammers Public House (Grade II), Little Danswick Farmhouse (Grade II), and Cuckman's Farmhouse / Old Cuckmans (Grade II). There are no locally listed buildings on or within the vicinity of the Site, however the Heritage Statement does acknowledge the presence of the barn at Chiswell Green Farm, which was highlighted in SACDC's pre-application advice.
- 7.81 The Heritage Statement concludes that the heritage significance of the three identified Grade II heritage assets is derived from their integral historic and architectural (aesthetic) interest. The original setting of these assets has been changed by current and previous redevelopment of the agricultural areas around the Site. For example, the recent

construction of Butterfly World resulted in a visual change to the wider setting of the Site. Consequently, the land which constitutes the Site is considered to make only a negligible contribution to the setting and significance of the identified designated heritage assets. In addition, there are no identified, appreciable historical or functional connections between the Site and these assets. There will be no physical impact on any historic building fabric, and it is considered that the Proposed Development will have no adverse impact on the heritage significance of these assets via a change in setting. Regarding Step 4 of the methodology recommended by the Historic England guidance (GPA 3), no embedded design mitigation is required regarding the identified designated heritage assets.

- 7.82 Regarding the identified barns at No. 39 Chiswell Green Lane, it is considered that the loss of these buildings of low heritage significance is justified when considering the public benefits of the Proposed Development. If deemed necessary due to the identified historic interest, a programme of historic building recording could be secured by condition to advance understanding of the significance of the heritage assets to be lost (in line with paragraph 205 of the NPPF).
- 7.83 The Heritage Statement concludes that the Proposed Development will make a positive regenerative contribution to the local character of the wider area and cause no harm to the significance of the identified designated heritage assets via a change in setting, therefore the Proposed Development would be in accordance with the NPPF and Policy 86 of the Local Plan.

### Archaeology

- 7.84 Policies 109 (Scheduled Ancient Monuments), 110 (Archaeological Sites for Local Preservation) and 111 (Archaeological Sites Where Planning Permissions May Be Subject to a Recording Condition) are not relevant to the Proposed Development as the Site is not an archaeological site listed within these policies. Nonetheless, an Archaeology Desktop Bases Assessment has been prepared which explains that:
- The Post Medieval hamlet of Chiswell Green is recorded within the northern part of the Site adjacent to Chiswell Green Lane on historic mapping and is noted on the HER;
  - There is low to moderate archaeological potential at the Site for the Roman period and for Saxon or Medieval period agricultural activity. Extant buildings as well as potentially below ground remains associated with the Post Medieval Chiswell Green

hamlet can be anticipated at the northern site boundary. If present, any remains would most likely be of local significance; and

- Past ground disturbance is likely to have been widespread as a result of plough activity, with only localised areas of more severe disturbance associated with development.

7.85 The Archaeology Desktop Based Assessment concludes that the proposed construction of residential development within the Site is likely to involve the stripping of top and sub-soils, to varying degrees, and the excavation of foundations and associated services would result in the truncation and destruction of any buried archaeological deposits which may be present. Overall, any impacts of the Proposed Development are likely to be limited to archaeological remains of a local significance, and it is considered unlikely that there would be any archaeological reason to preclude development of the Site. The Applicants are happy to accept the following archaeology-related condition.

#### Contamination

7.86 Paragraph 183 of the NPPF seeks to ensure that a Site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination and requires adequate site investigation information is made available.

7.87 The Applicants Phase 1 Geo-Environmental Desk Study explains that:

- The vast majority of the Site is unlikely to be significantly contaminated. However, some localised contamination may have derived from the farmyard at Chiswell Green Farm in the northeast of the Site, and any spillages from either of the two above ground fuel / oil storage tanks that have been present on the Site. Limited pesticide residue may be present on the Site due to the historic use of the site as an orchard and agricultural fields. Additionally, evidence of waste materials is present on the Site and may pose a localised contamination risk; and
- Although there is a need for a Phase 2 Contamination Assessment, the Phase 1 report has confirmed that there should be no significant contamination on the Site, which would preclude any redevelopment and therefore no reason why the subsequent contamination assessment could not be addressed through appropriately worded conditions on any future planning permission for the Proposed Development.

7.88 Therefore, the Proposed Development would be in accordance with the objectives of the NPPF.

### Impact Mitigation

- 7.89 Local Plan policy 143B (Implementation) expects applications for the development of sites to include within them mitigation provisions to overcome their infrastructure consequences. These provisions may include on-site and / or off-site facilities necessary as a result of the Proposed Development, in order to avoid placing a burden on the existing community.
- 7.90 At the request of HCC Education, the Proposed Development would reserve land on-site for the provision of a 2FE primary school. In addition, to the provision of on-site affordable homes, self-build homes, open space and bio-diversity enhancements, the Proposed Development could provide, where justified, off-site contributions (secured via S106 Obligations) towards community infrastructure enhancements, including:
- Further bio-diversity enhancements to achieve a 10% BNG;
  - Transport improvements/enhancements in the local areas;
  - Travel Plan monitoring;
  - Primary school education;
  - Secondary school education;
  - Early Year & SEN education;
  - Post-16 facilities/education;
  - Community learning;
  - Library facilities;
  - Social care;
  - Youth facilities;
  - Firefighting;
  - Waste services; and
  - NHS Services.
- 7.91 As per paragraph 015 (Reference ID: 23b-015-20190315) of national PPG, local planning authorities are encouraged to work with relevant local (and national where appropriate) infrastructure providers and operators at an early stage of the planning process when planning obligations are being discussed in order to prevent delays to the agreement of planning obligations.
- 7.92 In accordance with PPG paragraph 002 (Reference ID: 23b-002-20190901), planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for



granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

7.93 Through the determination of the planning application, the Applicants will engage in S106 negotiations with SACDC and HCC to mitigate the impacts of the Proposed Development. This would ensure that the Proposed Development would include appropriate and adequate on-site and off-site provision for its' impacts on infrastructure, in accordance with national PPG and Policy 143B of the Local Plan.

**v) Conclusion**

7.94 In conclusion, in terms of development management matters, there are no significant environmental, physical or other constraints that should prevent the redevelopment of the Site.

## 8.0 PLANNING CONSIDERATIONS – PART 3 (PLANNING BALANCE)

### i) Introduction

8.1 This section of the Statement considers the planning balance to demonstrate that the other considerations in the form of benefits of the Proposed Development significantly outweigh any harm, and that this justifies the VSC case for development in the Green Belt.

### ii) Harm vs Benefits

8.2 Section 6 of this Planning Statement concludes that:

- The harm of the Proposed Development on the Green Belt carries **substantial weight**, albeit that this harm is limited in spatial and visual terms;
- The benefits of the Proposed Development carry **very substantial weight** (e.g. market and affordable housing) and **substantial weight** (e.g. self-build plots, education land, open space and the BNG); the reduction of pressure on developing in less sustainable locations elsewhere carries **moderate weight**; and other planning and socio-economic benefits which carry **substantial weight**; and
- The harm of the Proposed Development to the Green Belt, by way of inappropriateness, is clearly outweighed by the other considerations and benefits.

8.3 The purpose of the planning system is the achievement of sustainable development and meeting its economic, social and environmental objectives. Section 7 of this Planning Statement demonstrates that there are no significant economic, social and environmental constraints that should prevent the development on the Site.

8.4 The Site is in a sustainable and suitable location for the Proposed Development that can be supported by the “presumption in favour of sustainable development” being applied in the form of Paragraph 11d of the NPPF.

### iii) Planning Balance

8.5 In terms of the planning balance, the Proposed Development is inappropriate development in the Green Belt, which is harmful by definition. The starting point is that the Proposed Development conflicts with the development plan in relation to Green Belt policy. Although the adopted Local Plan policies are out of date, and there are no clear reasons for refusing

permission or the adverse impacts would not significantly and demonstrable outweigh the benefits.

8.6 There would also be some limited harm to the character and appearance of the area. However, the absence of any landscape designation and the lack of any alleged conflict with the development plan are material considerations which lessen the weight to be attributed to this matter.

8.7 In light of the above, planning permission should be granted in accordance with the other material considerations justifying approval which is not in accordance with the development plan.

8.8 In this case the material considerations include the significant benefits of this sustainable development (including, the delivery of new market sale and affordable homes, self-build plots and land for education purposes), which are to be considered in the context of “presumption in favour” set out in the NPPF and the matters summarised in Section 1, including:

- SACDC’s acute need for housing;
- SACDC’s lack of 5-YHLS and failure of the HDT;
- SACDC’s lack of self-build plots;
- HCC’s need of land to delivery new schools; and
- SACDC’s recognised need for Green Belt release and the delays in the Local Plan Review process to address the above.

8.9 There are other benefits arising from the development, which add additional **substantial weight** in favour of the Proposed Development. These are the enhancement of biodiversity, the provision of green infrastructure and other socio-economic benefits.

8.10 Overall, the other considerations summarised above clearly outweigh the harm to the Green Belt and the limited harm to the character and appearance of the area, thereby providing the very special circumstances to justify the approval of the Proposed Development.

## 9.0 SUMMARY AND CONCLUSION

- 9.1 The Planning Statement has been prepared to support an Outline planning application to St Albans City and District Council (SACDC) in respect of land south of Chiswell Green Lane (the 'Site') in Chiswell Green, Hertfordshire.
- 9.2 The Site is located within the Metropolitan Green Belt and comprises agricultural land, a farmyard with stables, a farmhouse and outbuildings. It is located outside but adjacent to the settlement boundary of Chiswell Green, to the southeast St Albans City.
- 9.3 The Site has now been promoted through various iterations of the emerging Local Plan and its associated evidence base for residential-led purposes for more than 10 years. Having been identified through the Green Belt Review Parts 1 and 2 as one that would cause the least harm to the purposes of the Green Belt and as a Broad Location for Growth and the, it was proposed as a strategic site allocation (Broad Location S6x) in the now withdrawn Publication Draft St Albans Local Plan (Sept 2018). So far as the Site has been consistently identified as a sustainable and suitable location for new housing development, there is every reason to believe that this site allocation will be retained in the new draft Local Plan when it progresses through the plan-making process towards adoption in 2025/26.
- 9.4 In the context of the acute and persistent shortfalls in housing delivery and the ongoing delays in bringing forward a plan that adequately provides for the District's full housing needs, the Applicants have taken the decision to submit this planning application to enable its release now; a step that should be viewed positively given the profound difficulties SACDC faces.
- 9.5 The planning application seeks outline planning permission for a landscape-led housing development comprising the following key components:
- Demolition of existing structures and construction of up to 391 homes;
  - 40% affordable homes provision (including First Homes);
  - 3% self-build plots;
  - The provision of land for a new 2FE primary school;
  - Publicly accessible amenity space and children's play space;
  - Habitat space and the offer of a contribution to enhance habitats offsite (to achieve a 10% Biodiversity Net Gain);
  - New access arrangements into the Site from Chiswell Green Lane, Long Fallow

and Forge End;

- Adjustments to existing car parking, footpath, cycle path and highway arrangements along Chiswell Green Lane, Watford Road, Long Fallow, Forge End, Farringford Close; and
- A sustainable form of development.  
(the 'Proposed Development').

9.6 The planning application is submitted in outline, with all matters reserved apart from 'Access' for which full details are provided as part of this application. Matters of appearance, landscape, layout and scale are to be determined via reserved matters applications.

9.7 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise. The adopted Local Plan is now out of date, therefore the Proposed Development must be considered under paragraph 11 of the NPPF. This entails the presumption in favour of granting permission unless:

- i) The application of policies in the NPPF that protect areas of assets of particular importance provides a clear reason for the refusing development proposed; or
- ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

9.8 With regard to item i) above, footnote 7 of the NPPF sets out those national policies to be considered prior to the application of the presumption in favour of sustainable development, which of relevance to this application include policies relating to land within the Green Belt.

9.9 With regard to the Green Belt, it has been demonstrated that in this case 'Very Special Circumstances' exist supporting approval of the application. This is because the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the Proposed Development, is clearly outweighed by other considerations, in this case comprising the significant social, environmental and economic benefits the Proposed Development will deliver.

9.10 This Planning Statement explains that the presumption in favour of development is engaged and a strong VSC case in favour of the Proposed Development exists and responds to: the issues raised by SACDC in its pre-application advice; the local plan

evidence base; appeal decisions for other Green Belt sites in the District; and expands upon the following key points that serve to provide a sound planning basis for granting outline planning permission for the Proposed Development:

- There is an acute need for market sale and affordable housing in the District which exacerbated by the fact that SACDC is unable to demonstrate a 5-year housing land supply and has recently failed to meet the housing delivery test;
- There is an identified need for Green Belt release to meet the District's housing needs of which on 14% is able to be delivered in the urban areas;
- An absence of an up-to-date local plan to provide any resolution to the housing situation any time soon. Only the release of sites like the application Site can do anything to rectify the situation;
- The Site is shown consistently to be an appropriate location for new housing in SACDC's evidence base, hence it was identified as a Broad Location site S6x, West of Chiswell Green, for a minimum of 365 new homes in the Publication Draft SLP prepared by SACDC in 2018;
- In which case, the SSNP confirms that the Site is an appropriate location for development as it would fall into the built-up area boundary on the SSNP's policies map;
- The Site is free from constraints, is deliverable and located in a suitable and sustainable location; and
- The Proposed Development would be integrated into the existing settlement and countryside and would bring a number of very substantial and far-reaching benefits, as discussed below, that can be given **very substantial weight**.

9.11 The very substantial benefits for the Site include the provision of 391 (up to) new homes, with a 40% affordable housing provision, which will significantly contribute towards meeting housing needs of the District, both in terms of market and affordable housing, as well as housing specifically designed to people who wish to self-build. In addition, the Proposed Development also includes the delivery of land for a new primary school, biodiversity net gain and other socio-economic benefits.

9.12 On this basis, the presumption of sustainable development as at 'limb ii' of paragraph 11 of the NPPF applies, whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The technical, environmental and design work undertaken and submitted in support of this application demonstrate that the Proposed Development would incorporate suitable and appropriate

mitigation and compensation measures to ensure that the development is acceptable from a highways, landscape, ecology, amenity and heritage policy perspective. The entirety of the Site represents a deliverable source of housing land.

- 9.13 It is therefore the position of this Planning Statement that the Proposed Development is sustainable and substantially accords with the objectives of the NPPF, SACDC's Development Plan and the Ministerial Statement (relating to First Homes) when taken as whole (and where policies remain up to date) and it is clear that the "tilted balance" or "presumption in favour" provided at NPPF para 11 applies.
- 9.14 There are overwhelming reasons therefore to support this Application and allow the release of the Site now so that it can be developed at the earliest opportunity. To this extent, it is considered that outline planning permission should be granted as it has been demonstrated that the Proposed Development will not give rise to adverse impacts that would significantly and demonstrably outweigh the Proposed Development's clear and compelling benefits.

**APPENDIX 1**  
**SITE LOCATION PLAN**





Notes:  
The contractor must verify all dimensions on site before commencing any work on shop drawings, do not scale from this drawing  
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KEY:  
— Planning Application Boundary

P5	Issued for planning approval	30.03.2022
P5d	Issued for comments	30.03.2022
P4	Issued for comments	28.03.2022
P3	Issued for comments	18.03.2022
P2	Issued for comments	08.03.2022

Revision	Amendment	Date
CA	ES	FC
Drawn by	Reviewed by	Approved by
61860	MAR. 22	1:2500@ A3
MCB Number	Date created	Scale

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Client

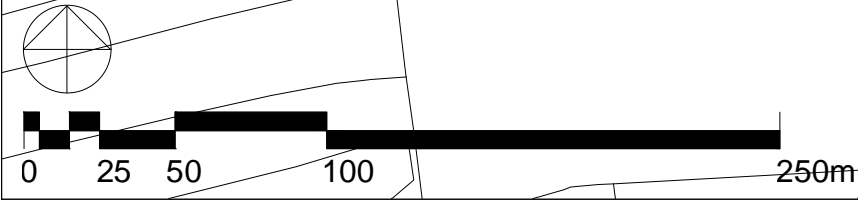


Project  
Land South of Chiswell Green Lane  
St. Albans

Drawing Title  
SITE LOCATION PLAN

**ARCHITECTURE**

REDC01 · MCB · ZZ · ZZ · DR · A · 0201 · D5 · P5  
Project Idn Originator Zone Level Type Discipline Number Suitability Revision



**APPENDIX 2**  
**SACDC'S SCREENING OPINION**

**PLANNING & BUILDING CONTROL**  
Tracy Harvey Head of Planning & Building Control

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Barton Willmore  
7 Soho Square  
London  
W1D 3QB

Our Ref: 5/21/2905  
Please ask for: Ruth Ambrose  
E-mail: [planning@stalbans.gov.uk](mailto:planning@stalbans.gov.uk)  
Date: 9 December, 2021

**TOWN AND COUNTRY PLANNING ACT 1990**  
**(Town and Country Planning (Environmental Impact Assessment) Regulations 2017)**

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**LAND SOUTH OF CHISWELL GREEN LANE, CHISWELL GREEN, ST ALBANS**

Further to your request received 15/10/2021, a screening opinion for development of between 415 and 450 residential dwellings, a new two form entry primary school, landscaping and support infrastructure, the Council considers that the proposed development would not require an Environmental Statement.

Attached is a detailed assessment for your information.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'TH' followed by a long horizontal flourish.

**Tracy Harvey**  
**Head of Planning & Building Control**

Date Application Received	15/10/2021	Date of decision	6/12/2021
Screening opinion for: LAND SOUTH OF CHISWELL GREEN LANE, CHISWELL GREEN, ST ALBANS			

A - Check list	
A1. Is the project Schedule One?	No
A2. Is the project identified in column 1 of Schedule Two?	Yes - It is an Urban Development Project
A3. Is the project in or adjacent to a sensitive area? i.e. SSSI's, and other such designations.	The site is not within or adjacent to a SSSI, National Park, AONB, World Heritage Site or scheduled monument. The project is not therefore in or adjacent to a sensitive area as defined.
A4. Is the project above the exclusion thresholds in Schedule Two? (consideration of the selection criteria in Schedule 3) <i>(i) The development includes more than 1 hectare of urban development which is not dwellinghouse development; or</i> <i>(ii) the development includes more than 150 dwellings; or</i> <i>(iii) the overall area of the development exceeds 5 hectares</i>	Yes – the proposed development is for ii) 415-450 dwellings, and iii) the site area exceeds 5ha (the site area is 14.66.ha)
A5. Is the project within the indicative inclusion thresholds in the NPPG (updated 20 07 2017) EIA Annex?  Environmental Impact Assessment is unlikely to be required for the redevelopment of land unless the new development is on a significantly greater scale than the previous use, or the types of impact are of a markedly different nature or there is a high level of contamination.  Sites which have not previously been intensively developed: <i>(i) area of the scheme is more than 5 hectares; or</i> <i>(ii) it would provide a total of more than 10,000 m<sup>2</sup> of new commercial floorspace; or</i> <i>(iii) the development would have significant urbanising effects in a previously non-urbanised area (e.g. a new development of more than 1,000 dwellings).</i>  The NPPG indicates that: Projects listed in Schedule 2 which are located in, or partly in, a sensitive area also need to be screened, even if they are below the thresholds or do not meet the criteria. Sensitive Areas are defined in Regulation2(1) as: <ul style="list-style-type: none"> <li>• Sites of Special Scientific Interest and European sites;</li> <li>• National Parks, the Broads and Areas of Outstanding Natural Beauty; and</li> <li>• World Heritage Sites and scheduled monuments.</li> </ul> where "All developments in, or partly in, such areas should be screened."  The guidance also indicates that in certain cases, local designations may be environmentally sensitive and may be relevant in determining whether an assessment is required.  Projects which are described in the first column of Schedule 2 but which do not exceed the relevant thresholds, or meet the criteria in the second column of the Schedule, or are not at least partly in a sensitive area may not be Schedule 2 development. Such projects do not usually require further screening or Environmental Impact Assessment.	See below.  <i>(i) the area of the scheme is 14.66 hectares.</i> <i>(ii) not applicable</i>  <i>(iii) The site is currently vacant of substantial buildings, described as four fields, with land in the north grazed by horses and the fields in the south being unmanaged grassland. However, the proposal is for less than 1000 dwellings (415-450 dwellings).</i>  The site is not in, or partly in, a sensitive area as defined in the regulations.

## **B Consideration of selection criteria in Schedule 3**

### **B1. Characteristics of Development**

This should be considered in relation to the size of the development, the cumulative impact of other development, the use of natural resources, the production of waste, pollution and nuisances, the risk of accidents having regard in particular to substances or technologies used and the risks to human health.

The proposed development is for a mixed use development comprising 415 – 450 dwellings, a two form entry primary school, landscaping and supporting infrastructure.

The NPPG states: “It should not be presumed that developments above the indicative thresholds should always be subject to assessment, or those falling below these thresholds could never give rise to significant effects, especially where the development is in an environmentally sensitive location. Each development will need to be considered on its merits.”

This screening opinion request has been submitted in advance of a future scheme, and is assessed against the 2017 Regulations.

From the information provided in support of this Screening Opinion, the site is currently undeveloped and is located in the Metropolitan Green Belt.

The development would therefore be of a greater scale than the existing situation on the site. However, when considered against the indicative inclusion thresholds in the NPPG (updated 20 07 2017) EIA Annex, the proposed development would not comprise more than 1000 dwellings on a previously non-urbanised area. It is however noted that the site area (14.66ha) would be above the indicative site area threshold in the regulations.

In terms of potential cumulative impacts, the closest significant development consented is for a Strategic Railfreight Interchange at Frogmore but this is some distance from the application site and it is not considered it would need to form part of a cumulative assessment. A screening opinion has been issued for land north of Chiswell Green Lane (3330 dwellings) but no planning application has been submitted.

The site has not been determined as contaminated land under Part 11A of the Environmental Protection Act 1990. The proposed residential use would not generate non-domestic waste, pollution or nuisance. The proposed residential use would not involve the use of substances or technologies that would risk human health.

### **B2. Location of the Development**

This should be considered in relation to the environmental sensitivity of geographical areas likely to be affected by development, in particular the existing land use, the relative abundance, quality and regenerative capacity of natural resources in the area, and the absorption capacity of the natural environment.

The site is currently open land, located in the Metropolitan Green Belt and is identified as a series of fields, either unmanaged grassland or land grazed by horses. The site includes a number of existing mature trees, mainly at field boundaries, but none that are the subject of a TPO, albeit the woodland adjacent to the application site (to the east) is subject to TPO.

The proposed development site is not a classified or protected area defined by National Legislation, nor is it an area in which environmental quality standards have already been exceeded.

In relation to ecology and biodiversity, The adjacent land to the east is already developed. The site affected does not include any resources specified in schedule 3 (i) – (v) above, or any ‘sensitive area’ as defined in the EIA Regulations. Existing understanding of the site on record does not suggest any significant ecological resource will be directly affected. It has been subject to ecological surveys although these are not provided. There is an old orchard site immediately to the east, but this is outside of the application boundary and is unlikely to be directly affected. There are no existing biodiversity areas, sites or designations of the natural environment outlined above which are affected by the proposals, and so it does not meet the Schedule 3 criteria.

It is noted that the EIA Screening Opinion states that there are no minerals resources that would be affected by the proposed development. The site falls entirely within the 'Sand and Gravel Belt' which is identified in the county council's Minerals Local Plan 2002-2016 (adopted in March 2007). The Sand and Gravel Belt is a geological area that spans across the southern part of the county and contains the most concentrated deposits of sand and gravel throughout Hertfordshire. It should be noted that British Geological Survey (BGS) data also identifies superficial sand/gravel deposits in the area on which the application falls.

Adopted Minerals Local Plan Policy 5 (Minerals Policy 5: Mineral Sterilisation) encourages the opportunistic extraction of minerals for use on site prior to non-mineral development. Opportunistic extraction refers to cases where preparation of the site for built development may result in the extraction of suitable material that could be processed and used on site as part of the development. Policy 5 further states that:

The county council will object to any development proposals within, or adjacent to areas of potential mineral resource, which would prevent, or prejudice potential future mineral extraction unless it is clearly demonstrated that:

- i. the land affected does not contain potentially workable mineral deposits; and/or
- ii. there is an overriding need for the development; and
- iii. the mineral cannot practically be extracted in advance.

The Minerals Planning Authority will therefore expect to see a site investigation and evaluation by way of a Minerals Resource Assessment (MRA), in order to assess the potential for workable mineral deposits underlain at the site and to avoid the possibility of mineral sterilisation (please refer to Section 5(a) of the adopted Minerals Consultation Areas SPD). The need for a MRA should be referred to in the ES if one is to be conducted or undertaken and submitted at the planning application stage.

It should be noted that if the full mineral resource is to be extracted, there may be the need for a separate mineral planning application and potentially a separate EIA. If opportunistic extraction is undertaken, the relevant issues could be covered within an application. However, if the mineral resources are proposed to be left, justification of departure from policy must be demonstrated and this may result in an objection from the county council, based on adopted planning policy.

Due to its scale, the scope for impact on below ground Heritage Assets cannot be ruled out.

### **B3. Types and Characteristics of the Potential Impact**

The likely significant effects of the development on the environment must be considered in relation to criteria set out in paragraphs 1 and 2 above, with regard to the impact of the development on the factors specified in regulation 4(2), taking into account—

- (a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);
- (b) the nature of the impact;
- (c) the transboundary nature of the impact;
- (d) the intensity and complexity of the impact;
- (e) the probability of the impact;
- (f) the expected onset, duration, frequency and reversibility of the impact;
- (g) the cumulation of the impact with the impact of other existing and/or approved development;
- (h) the possibility of effectively reducing the impact.

Section 4(2) states:

"4(2) The EIA must identify, describe and assess in an appropriate manner, in light of each individual case, the direct and indirect significant effects of the proposed development on the following factors—

- (a) population and human health;
- (b) biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC(1) and Directive 2009/147/EC(2);
- (c) land, soil, water, air and climate;

- (d)material assets, cultural heritage and the landscape;
- (e)the interaction between the factors referred to in sub-paragraphs (a) to (d).”

#### Magnitude and Spatial Extent, Nature, Transboundary Nature of Impact, Intensity and Complexity

The proposed development would result in an intensification of the use of the site as it is currently open grazed or unmanaged land. The site is located close to existing residential development and there would be some impact due to the additional residential uses proposed. Existing trees would provide some screening from the proposed built form and additional landscaping may be required as part of any application. The height, proximity to any defensible landscaped boundaries and overall visual impact of the proposed dwellings would be considered as part of any application. The site is within the Watling Chase Community Forest.

The magnitude of the visual impact of the development could be assessed through the submission of a LVIA.

The intensification of the site could have implications in relation to surface water drainage and flood risk. The Lead Local Flood Authority will assess Surface Water Drainage Assessments and Flood Risk Assessments as part of a formal full / outline application. An FRA / Surface Water Drainage Assessment should be carried out to demonstrate that the proposed development will not create an increased risk of flooding from surface water to the development site and the surrounding area. It should be carried out in accordance with the National Planning Policy Framework and the National Planning Practice Guidance.

Due to the nature of the development, the development will be expected to demonstrate that the surface water drainage from the development can be managed in a suitable manner, giving priority to above ground storage and source control. By giving preference to infiltration, then discharge to a watercourse thereafter surface water sewer. The development should also seek to manage the flow route on site.

Any FRA submitted to support any future planning applications should demonstrate that the proposed drainage system can be designed to cater within the site and the post development surface water run-off rates and volumes for its lifetime for all rainfall events up to and including the 1 in 100-year rainfall event + 40% allowance for climate change. The FRA should also demonstrate that any existing areas of surface water flood risk can be managed within the site without increasing flood risk elsewhere.

Where it will be proposed to infiltrate ground investigations should be carried out and provided within the FRA. This should include detailed assessment of ground conditions, groundwater levels, permeability of the underlying geology, with infiltration tests carried out in accordance BRE Digest 365. The FRA should also demonstrate that there will be sufficient surface water quality treatment by implementing an appropriate amount of water quality treatment stages through the use of SuDS. The LLFA would recommend a minimum of two SuDS treatment stages should be provided to manage any potential contaminants from surface water run-off from car parking areas and access roads.

The site lies over a groundwater source protection zone 2 Outer catchment Source protection zone. For this reason, we recommend the applicant to implement appropriate treatment stages in case infiltration is considered as means of discharge for the surface water. The applicant should also consider consulting the Environment Agency in relation to water quality.

Details of required maintenance of any SuDS features and structures and who will be adopting these features for the lifetime of the development should be provided. It is up to the Local Planning authority to ensure that the drainage/SuDS system can be managed for the lifetime of the development.

The Highways Authority will expect any planning application for the redevelopment of this site to be accompanied by a Transport Assessment and Travel Plan. The Transport Assessment should consider the highways and transport impacts of the proposed development.

The county council offers a pre-application service, which is available here:

[www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx#preapplication](http://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx#preapplication).

The Transport Assessment should be drawn up in accordance with HCC requirements as set out in Chapter 7 of Section 1 of the HCC highway design guide titled: 'Roads in Hertfordshire':

<http://www.hertfordshire.gov.uk/services/transtreets/highways/highwaysinfo/hiservicesforbus/devmanagment/roadsinherts/>.

The site is not within or adjacent to any areas classified or protected by National Legislation, or within or adjacent to any areas of particular environmental sensitivity. Any impact on the Metropolitan Green Belt, landscaping, flood risk and drainage, heritage assets, air quality, land and ground water contamination issues, and ecological issues would need to be considered as part of a planning application.

It is not considered that the site context is environmentally sensitive to the proposed use, or that the site is particularly environmentally sensitive or contaminated.

In terms of ecology and biodiversity, the nature of the development in respect to local ecology will be significant where it results in built structures. Whilst this impact will be large, no particularly significant biodiversity is known to be present. The site does not benefit from any statutory or non-statutory designations. Protected species can be considered accordingly on the basis that they are not wholly dependent on the proposals site or cannot otherwise be addressed as necessary. We would anticipate the hedgerows within and around the site to be largely retained as part of the site's Green Infrastructure (GI).

Transboundary impacts in the EIA Regulations relate to effects of development in England likely to have significant effects in another EEA state. They are not applicable in this case. However, very locally, the adjacent old orchard site will not be directly affected. This is the only site of semi-natural significance locally and buffers to this have been proposed.

The proposals will include a level of Green Infrastructure, reducing its overall ecological impact.

What ecological impact will be created brings with it a high level of certainty in terms of direct impact.

The ecological impact is likely to be permanent and unlikely to be reversed unless the development is removed at a later date. Best practice would in any event be expected during any construction phase in order to reduce indirect impacts. The impact can be reduced by incorporating elements of green infrastructure and features of biodiversity enhancements where appropriate. Furthermore, the development will now in any event be expected to deliver a minimum of 10% Biodiversity Net Gain as outlined within the Environment Act 2021.

It is noted that the screening opinion states that: "Significant quantities of construction or operational waste are not anticipated as a result of this development." The county council is the Waste Disposal Authority and Waste Planning Authority for Hertfordshire and it is considered that a development of over 400 dwellings is likely to generate significant waste arisings during its construction phase and should be scoped and assessed within the ES, if the district council considers that one should be undertaken.

The ES should outline how construction and demolition waste will be managed, as the development has the potential to give rise to a very large amount of construction, demolition and excavation waste, which will need to be managed appropriately. This type of waste presents the biggest capacity gap in Hertfordshire, with very limited sites available to process and dispose of such waste. Given the significant capacity gap in this area, it is important that every effort is made to reuse and recycle as much of this waste on site as possible with a target of 95% diversion from landfill.

Government policy seeks to ensure that all planning authorities take responsibility for waste management. This is reflected in the county council's adopted waste planning documents. In particular, the waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development.

The National Planning Policy for Waste (October 2014) sets out the following:

*"When determining planning applications for non-waste development, local planning authorities should, to the extent appropriate to their responsibilities, ensure that:*

- the likely impact of proposed, non-waste related development on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy and/or the efficient operation of such facilities;*
- new, non-waste development makes sufficient provision for waste management and promotes*



*good design to secure the integration of waste management facilities with the rest of the development and, in less developed areas, with the local landscape. This includes providing adequate storage facilities at residential premises, for example by ensuring that there is sufficient and discrete provision for bins, to facilitate a high quality, comprehensive and frequent household collection service;*

*• the handling of waste arising from the construction and operation of development maximises reuse/recovery opportunities, and minimises off-site disposal.”*

This includes encouraging re-use of unavoidable waste where possible and the use of recycled materials where appropriate to the construction. In particular, you are referred to the following policies of the adopted Hertfordshire Waste Core Strategy & Development Management Policies DPD (adopted in 2012) which forms part of the Development Plan. The policies that relate to this potential development are set out below:

- Policy 1: Strategy for the Provision for Waste Management Facilities. This is with regards to the penultimate paragraph of the policy;
- Policy 2: Waste Prevention and Reduction; &
- Policy 12: Sustainable Design, Construction and Demolition

Waste Policy 12: Sustainable Design, Construction and Demolition requires all relevant construction projects to be supported by a Site Waste Management Plan (SWMP). This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to.

A development of this size would require the consideration of waste which is generated during construction and subsequent occupation. This includes minimising waste generated by development during demolition, construction and its subsequent occupation, encouraging the re-use of unavoidable waste where possible and the use of recycled materials where appropriate. In addition, regard should be given to the design of new housing development to ensure waste collection vehicles can gain access for the collection of household waste and recyclables.

The county council would expect a commitment to producing a SWMP and for the SWMP to be implemented throughout the duration of the project. The SWMP must be prepared prior to commencement of the development and submitted to the Waste Planning Authority for comments.

Good practice templates for producing SWMPs can be found at: <http://www.smartwaste.co.uk/> or <http://www.wrap.org.uk/category/sector/waste-management>.

The SWMP should be set out as early as possible so that decisions can be made relating to the management of waste arising during demolition and construction so that building materials made from recycled and secondary sources can be used within the development. This will help in terms of estimating what types of containers/skips are required for the stages of the project and when segregation would be best implemented for various waste streams. It will also help in determining the costs of removing waste for a project. The total volumes of waste during enabling works (including demolition) and construction works should also be summarised.

SWMPs should be passed onto the Waste Planning Authority to collate the data. The county council would be happy to assess any SWMP that is submitted as part of this development either at application stage or as a requirement by condition and provide comment to the district council.

A Health Impact Assessment (HIA) should be undertaken. HIAs are recommended for developments in excess of 100 units and it is HCC's view that this is an essential assessment for any development proposal, in order to demonstrate that it will not have negative implications for the physical health and mental wellbeing of both existing communities in the vicinity, as well as the future residents of the new development. A HIA can also be a tool to demonstrate the opportunities of a proposal and how a development has been positively planned.

Given the potential scale of the proposed development, the HIA should assess the potential positive and negative health impacts of this development. In doing so, the applicant would be demonstrating how it is meeting the various requirements of Chapter 8 of the National Planning Policy Framework (NPPF).

In order to ensure the completeness and quality of the HIA:

- (a) the developer must ensure that the HIA is prepared by competent experts; and
- (b) the HIA must be accompanied by a statement from the developer outlining the relevant

expertise or qualifications of such experts.

Public Health has guidance available on the use of HIA and would welcome an initial conversation with the applicant to explore the scope of this in recognition of the scale of the development. A HIA may form part of the ES and be included as a separate chapter in the preparation of the ES, should one be submitted as part of the planning application. A standalone HIA can be submitted, should an ES not be required.

#### Probability of impact and possibility of effectively reducing the impact

Due to the factors outlined above, and that relevant consultees have deemed that likely potential environmental impacts could be adequately mitigated through the use of planning conditions, it is not considered that the probability of environmental impact would be of a nature as to require an Environmental Statement. Any smaller scale, local impacts can be adequately considered and any mitigation identified by way of evidence and assessments submitted as part of the planning application.

The development will have an impact on social and physical infrastructure and it is likely that mitigation will be required in the form of planning obligations.

#### Onset, duration, frequency and reversibility of the impact

Any operational impacts of the development of the site for the development proposed could not be reversed. Construction impacts would be temporary.

#### Cumulation of the impact with the impact of other existing and/or approved development:

There are no current applications or extent planning permissions which the local authority considers should form part of a cumulative impact assessment. A screening opinion has been issued for land North of Chiswell Green Lane (ref 5/2021/2520).

### **C. Conclusion**

It is considered that, although the development proposed would exceed the indicative inclusion thresholds in the NPPG (updated 20 07 2017) EIA Annex, the NPPG is clear that it should not be presumed that developments above the indicative thresholds should always be subject to assessment.

On the basis of the above assessment, having regard to the purpose and the amount of development proposed, the proposal would not be of more than local importance, would not be in a particularly environmentally sensitive or vulnerable location in terms of designations and would not be unusually complex or have potentially hazardous environmental effects. The proposal is not likely to have significant effects on the environment other than what can be considered under the normal planning process.

Therefore subject to requirements for the submission of additional information within a planning application the development is unlikely to result in the requirement for an Environmental Impact Assessment to be undertaken. In the case of a negative screening opinion, the local authority is required by the regulations 2017 to state any features of the proposed development and measures envisaged to avoid and prevent what otherwise might have been significant effects on the environment. These are as set out in this note, and in particular comprise the potential impacts arising from a residential development in terms of traffic (including pollution), potential impacts on the sand and gravel belt, potential impacts on archaeology, potential impacts on ecology and biodiversity, potential impacts on the SPZ and impacts on surface water drainage/flood risk. These would need to be assessed and mitigation for any adverse effects identified included as part of any application for planning permission.

The application should be accompanied by the following supporting documents specifically in relation to potential environmental effects: Site Location Plan Design and Access Statement, Planning Statement (incl s106 Heads of Terms), Affordable Housing Statement, Statement of Community Involvement, Landscape and Visual Impact Assessment and Landscape Strategy, Transport Assessment and Travel Plan, Flood Risk and Drainage Assessment (must consider the adjacent SPZ, and must include consideration of SUDs)), Ecological Assessment, Tree Survey and Arboricultural Impact Assessment, Noise Impact Assessment; Air Quality Assessment; Agricultural Land Survey if agricultural land is to be lost; Heritage Statement with Impact Assessment (archaeology), Health Impact Assessment. It is recommended that a full list of application documents is agreed with the local planning authority in advance.

For the above reasons it is determined that an Environmental Statement **is not** required for the above development.

This Screening Opinion has been adopted by St Albans District Council.

Yours faithfully

A handwritten signature in black ink, appearing to be 'TH' followed by a long horizontal stroke.

Tracy Harvey  
**Head of Planning & Building Control**

**APPENDIX 3**  
**Draft Heads of Terms**

## **Land south of Chiswell Green Lane, Chiswell Green, St Albans**

### **DRAFT PROPOSED HEADS OF TERMS FOR A SECTION 106 AGREEMENT**

1. This Draft Heads of Terms for a Section 106 relates to the proposed development on land to the south of Chiswell Green Lane, Chiswell Green, St Albans AL2 3AJ. The Application relates to the area outlined in red in the Site Location Plan submitted with the outline planning application documents.
2. The applicants are Alban Developments Limited and Alban Peter Pearson, CALA Homes (Chiltern) Ltd and Redington Capital Ltd.
3. The Draft Heads of Terms proposed are as follows:

#### **Affordable Housing**

4. 40% of the dwellings are proposed to be affordable housing.

#### **Self-build housing**

5. 3% of the dwellings are proposed as self-build housing plots where the initial owner will have primary input into its final design and layout.

#### **HCC & NHS Contributions**

6. If requested, the Applicant's will consider Hertfordshire County Council's and the NHS's requests for
  - Transport improvements/enhancements in the local areas;
  - Travel Plan monitoring;
  - Secondary school education;
  - Early Year & SEN education;
  - Post-16 facilities/education;
  - Community learning;
  - Library facilities;
  - Social care;
  - Youth facilities;
  - Fire fighting;
  - Waste services; and
  - NHS Services.

### **Open Space Provision**

7. The Section 106 will cover the provision of open space and play equipment, including the timing and maintenance/management required.

### **Highways/sustainable transport**

8. The Section 106 Agreement will cover necessary transport-related items, including the S278 related improvements to the highway, cycle / pedestrian route proposals and the implementation of the Travel Plan.

### **Biodiversity Net Gain**

9. The Section 106 Agreement will secure the provision of a 10% net gain in biodiversity.

### **Legal Costs**

10. The Applicant agrees to pay the reasonable legal costs of SACDC and HCC in connection with the preparation, negotiation and completion of the Section 106 Agreement.

**APPENDIX 4**  
**SUMMARY OF SACDC'S ADOPTED POLICIES AND GUIDANCE**

## Local Plan Review (1994) – Saved and Deleted policies Version (July 2020)

**Policy 1** (Metropolitan Green Belt) states that within the Green Belt, except in very special circumstances, permission will not be given for development for purposes other than that required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation, other uses appropriate to a rural area and the conversion of existing buildings to appropriate new uses where this can be achieved without harm to the character or appearance of the countryside. New development is expected to integrate with the existing landscape. Siting, design and appearance is particularly important and additional landscaping will normally be required. Significant harm to the ecological value of the countryside is to be avoided.

As far as the principle of the proposed development is concerned, Policy 1 is rather more stringently expressed than the advice of the Framework, so far as it does not include the partial or complete redevelopment of a previously developed site (subject to there being no greater impact) in the definition of appropriate development and requires new development to integrate with the landscape and have regard to the character and appearance of the Green Belt.

**Policy 2** (Settlement Strategy) explains that SACDC will normally encourage development to be concentrated in towns (e.g., St Albans) and specified settlements (e.g., Chiswell Green);

**Policy 7a** (Affordable Housing in Towns and Specified Settlements) seeks to provide 200 affordable houses per annum. Affordable housing will be negotiated on sites of over 0.4 hectares or 15 or more dwellings. The Policy relates to affordable housing in the District's towns and specified settlements but also applies to open market housing developments that may be permitted in the Green Belt as an exception to normal Green Belt policy. The policy refers to the Council's intention to produce supplementary planning guidance on affordable housing, which was adopted in 2004 and is dealt with below.

**Policy 34** (Highway Considerations in Development Control) states that development likely to generate significant traffic or the creation of a new access onto the highway must pay regard to road safety, hierarchy and capacity, environmental impact and car parking provision.

**Policy 35** (Highway Improvements in Association with Development) requires that in order to mitigate the highway effects of development proposals the District Council, will seek highway improvements or contributions to highway improvements and/or to the public transport system from developers whose proposals would otherwise result in detrimental highway conditions.

**Policy 39** (Parking Standards) states that car parking must be provided in accordance with the residential standards in Policy 40, be visually acceptable and be a minimum of 2.4m by 4.8m with a 6m reversing space. Provision should be made for bicycle parking in larger developments.



**Policy 40** (Residential Development Parking Standards) requires residential proposals to accord with the relevant parking standards which require a total of 1.5 spaces for 1 bedroom dwellings, 2 spaces for 2 bedroom dwellings, 2.5 spaces for 3 bedroom dwellings and 3.5 spaces for 4 bedroom dwellings with a reduced provision for affordable housing.

**Policy 65** (Education Facilities) seeks that new schools in the Metropolitan Green Belt will only be permitted if very special circumstances can be demonstrated, and that there is an overriding need for the proposal to cater for children living within the District.

**Policy 69** (General Design and Layout) seeks to ensure that developments possess an adequately high standard of design taking into account the scale, character and materials of the surroundings and other matters such as highway design and parking.

**Policy 70** (Design and Layout of New Housing) states that the design of new housing should have regard to its setting and the character of its surroundings in terms of design, layout and landscaping. New housing development should provide for a mix of dwellings and roads and footpaths should be visually attractive and minimise pedestrian and vehicular conflict. Appropriate privacy, sunlight and daylight standards should be achieved and sufficient landscaping, amenity areas and open space should be provided. In detail, window to window distances of 27m should be provided and gardens should reflect the number of persons for which a dwelling has been designed. Provision can be reduced when there is public open space nearby. In addition, on residential schemes of over 100 dwellings, children's playgrounds should be provided in the form of a LEAP (Local Quipped Area For Play) with at least 0.8 ha of space per 1000 people.

**Policy 74** (Landscaping and Tree Preservation) states that significant healthy trees and landscape features should be retained, new landscaping should be incorporated and wildlife corridors should be established where the opportunity arises.

**Policy 84** (Flooding and River Catchment Management) requires that development should not increase the risk of flood and surface water run off should be dealt with appropriately.

**Policy 84A** (Drainage Infrastructure) states that development should be subject to a drainage strategy.

**Policy 102** (Loss of Agricultural Land) states that development on high quality agricultural land (grades 1, 2 or 3a) will only be permitted where it can be demonstrate that there is an overriding need for the development and that the development could not be delivered elsewhere without the

loss of high quality agricultural land.

**Policy 104** (Landscape Conservation) states that the Council will seek to preserve and enhance the quality of landscape throughout the District.

**Policy 106** (Nature Conservation) states that the Council will take into account ecological features when considering planning applications.

**Policy 143B** (Implementation) states that planning applications for the development of sites will be expected to include within them the provision for infrastructure consequences.

### Other Relevant St Albans District Council Documents

The Council's **Affordable Housing SPG** (2004) sets a site size threshold above which the Council seeks an element of affordable housing of 25 dwellings or 1 hectare. The percentage of affordable housing required will normally be 35%. In terms of tenure, the document does not set any specific requirements on tenure split or mix but states that the Council will negotiate a range of tenures for the affordable housing provision, but the majority of the provision is expected to be general needs rented. It is understood that as a starting point for negotiation the Council currently seeks a 60:40 tenure split between rented and intermediate consistent with that proposed by the SLP.

The Council's **Revised Parking Policies and Standards** (2002) did not include new residential parking standards but proposed a zonal approach, with a greater degree of parking restraint in the more accessible areas. It notes that applications will be encouraged to meet existing Local Plan standards, but schemes slightly below the standards may be accepted.

The **Design Advice Leaflet No. 1: Design and Layout of New Housing** (1998) expands on the requirements of Design Policy 70 of the Local Plan and sets out a host of urban design concepts and matters which should be considered in the design of new housing developments. The document provides advice and standards in relation to setting, layout, variety, safety, landscaping, privacy, sunlight and daylight, amenity space, materials and road and car parking provision.

In detail these are:

- **Design and Layout** – The basic aim should be to enclose space with buildings or landscaping to create a sense of place in a visually pleasing manner. The site's setting is important (urban/rural) and development should respect existing patterns of development. The height and width of buildings should be planned from a pedestrian point of view. A variety of vistas, spaces, building lines, materials, angles and heights should be provided. Defensible space and natural surveillance should be provided to reduce the potential for crime

- **Dwelling Mix** – The aim is to create a variety of dwelling types for single people, couples and families with children. Affordable housing should be positively integrated with private housing
- **Roads and Footpaths** – adequate visibility should be provided, road hierarchy should determine design and the environmental impact of traffic should be considered. The Council's car parking standards should be met. Allocated spaces should be provided within the curtilage of a dwelling. Care should be taken to ensure parking areas are overlooked to discourage car related crime.
- **Landscaping** – Hard and soft landscaping is a fundamental element of housing development, particularly on sites on the edge of existing settlements. Healthy trees and other landscape features should be retained and new landscaping, screen planting and wildlife corridors should be provided
- **Privacy** – window to window distance of 27m (or 18m where the dwelling has no overlooking windows on rear upper floors and will not be overlooked by neighbouring dwellings). In terms of distances between dwellings and rear boundaries, a minimum of 13.5m will normally be required
- **Orientation** – Buildings should be positioned so that they do not obstruct daylight. There should be no obstruction in a field 25 degrees above a point 2m above ground level. Overshadowing should be avoided through the careful design and siting of buildings
- **Amenity Space** – gardens should reflect the number of persons for which a dwelling has been designed. More specifically, for houses the standard garden space provision is 40m<sup>2</sup> for the first bedroom and 20m<sup>2</sup> for additional bedrooms, resulting in a requirement as follows: 40m<sup>2</sup> for 1 bedroom 60m<sup>2</sup> for 2 bedroom units, 80m<sup>2</sup> for 3 bedroom units, 100m<sup>2</sup> for 4 bedroom units and 120m<sup>2</sup> for 5 bedroom units. For flats, 20m<sup>2</sup> should be provided for 1 bedroom units and 10m<sup>2</sup> for additional bedrooms.
- **Defensible Space** – An area of 3m around buildings should be provided as defensible space to ensure safety and security
- **Open Space** – on residential schemes of over 100 dwellings, appropriate public open space should be provided, including children's playgrounds in the form of a LEAP (Local Quipped Area For Play) with at least 0.8 ha of space per 1000 people. LEAPs should include at least 5 types of play equipment for children aged between 4 and 8 and be set 20m in distance from the nearest dwelling
- **Materials** – materials should be compatible with their location, although there is greater flexibility outside of conservation areas



**APPENDIX 5**  
**SUMMARY OF IMPORTANT APPEAL DECISIONS**

*Oaklands College, St Albans Campus, St Albans ('Oaklands College')*

- i. The first important decision that is of relevance to making a case for the Proposed Development in terms of VSC is.
- ii. The Oaklands College proposals sought planning permission for a comprehensive redevelopment to provide new and refurbished college buildings, enabling residential development of 348 dwellings, car parking, associated access and landscaping, including the demolition of existing buildings. The Secretary of State (SOS) agreed with the Inspector's recommendation and allowed the recovered appeal (Ref: APP/B1930/W/15/3051164) on 01 November 2017.
- iii. In reaching his decision, the SOS took into account of the Inspector's reasoning and agreed with his overall conclusions that:
  - o The proposal was inappropriate development in the Green Belt, which is harmful by definition and that there would be additional harm by reason of a reduction in openness and by virtue of encroachment into the countryside;
  - o There was conflict with SACDC Local Plan Policy 1, and national policy and that the proposal should not be approved except in very special circumstances. In line with the NPPF, the SOS attributed substantial weight to harm to the Green Belt caused by the proposed development;
  - o Given that the Council cannot demonstrate a five year supply of deliverable housing, and the contribution the proposal would make to meeting the significant shortfall, he considered that Local Plan Policies 1 and 2 that directly related to the supply of housing must be deemed as out of date. In accordance with Framework, he therefore considered that paragraph 14 of the Framework [2019] was still engaged.
  - o As the proposal would deliver a significant quantum and range of market housing, which would make a significant contribution towards the need in the District. The SOS agreed with the Inspector that in the light of the absence of a five year supply, the provision of the proposed new market housing should be afforded significant weight (para 25). As the proposal would also provide 35% of dwellings as affordable housing, the SOS again agreed with the Inspector that this aspect of the proposal should be given significant weight. The SOS agreed with the Inspector overall that the weight this matter adds in favour of the appeal scheme is significant.

- The benefits of the delivery of market and affordable housing (and the benefits of improvements to the college) would clearly outweigh the harm to the Green Belt, and would justify the proposal on the basis of very special circumstances (para 39).
  - The relevant policies relating to development in the Green Belt do not indicate that the proposed development should be restricted.
  - The adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits.
- iv. This important decision within the administrative area of SACDC highlights that in light of SACDC not having a lack of a five year housing land supply and the site was one of the emerging broad locations, the delivery of market and affordable housing is a significant benefit that carries significant weight in favour of the proposal, and creates a justification for VSC. It is also noted that improvements to an educational facility also weighed very heavily in favour of the Oaklands College proposals and was seen as a significant benefit.
- v. It is considered that there are a number of similarities between the Oaklands College decision and the Applicant's Site circumstances and Proposed Development (e.g. limited harm to the openness of the Green Belt (confined to the Site Boundary), but this harm would not provide a clear reason for refusing planning permission particularly as the adverse impact of granting planning permission would not significantly and demonstrably outweigh the benefits of the Proposed Development (including the delivery of significant benefits including market sale homes, self-build homes, 40% affordable housing, land for a new 2FE Primary School, publicly accessible open space and other benefits). This matter is discussed in Sections 7 to 9 of this Statement.

*Roundhouse Farm, Land off Bullens Green Lane, Colney Heath ('Colney Heath')*

- vi. The recent appeal decision at Roundhouse Farm in Colney Heath (ref: APP/B1930/W/20/3265925) is a relevant consideration. This was an outline application for the erection of up to 100 dwellings, including 45% affordable and 10% self-build, together with all ancillary works (All matters reserved except access) at Land off Bullens Green Lane, Colney Heath ('Colney Heath'). The development falls within the administrative areas of both SACDC and Welwyn Hatfield Borough Council (WHBC).

vii. This appeal decision was issued on 14 June 2021, and therefore considers the very same housing and affordable housing position in the District then and now. SACDC acknowledges that there is pressing need across the District in its entirety.

viii. The Inspector for Colney Heath decision concluded that:

*"Para 49. There is therefore no dispute that given the existing position in both local authority areas, the delivery of housing represents a benefit. Even if the site is not developed within the timeframe envisaged by the appellant, and I can see no compelling reason this would not be achieved, it would nevertheless, when delivered, positively boost the supply within both local authority areas. From the evidence presented in relation to the emerging planning policy position for both authorities, this is not a position on which I would envisage there would be any marked improvement on in the short to medium term. I afford very substantial weight to the provision of market housing which would make a positive contribution to the supply of market housing in both local authority areas."*

*Para 52. In common with both market housing and affordable housing, the situation in the context of provision of sites and past completions is a particularly poor one. To conclude, I am of the view that the provision of 10 self-build service plots at the appeal site will make a positive contribution to the supply of self-build plots in both local planning authority areas. I am attaching substantial weight to this element of housing supply.*

*Para 54. The persistent under delivery of affordable housing in both local authority areas presents a critical situation. Taking into account the extremely acute affordable housing position in both SADC and WHBC, I attach very substantial weight to the delivery of up to 45 affordable homes in this location in favour of the proposals."*

ix. The proposal at Colney Heath only offered up market and affordable housing delivery, and self-build housing as the main component parts of their VSC case. It is noted that the proposal sought to deliver 45% affordable housing, which is more than the Affordable SPG provision of 35% and the Withdrawn Local Plan draft policy of 40% affordable. The Colney Heath decision has since been used by SACDC to justify supporting the VSC case put forward in relation to the 'Sewell Park' planning application, which follows below.

*Land to Rear of 112-156b Harpenden Road, St Albans ('Sewell Park')*

x. The outline planning application (SACDC Ref: 5/2021/0423/LSM) at Sewell Park was granted by SACDC on 12 January 2022 for residential development of up to 150 dwellings together with all associated works.

xi. In the Planning Referrals Committee Report of 26 July 2021 confirms that:



- The SACDC only currently benefits from a 2.5 year housing land supply using a base date of 01 April 2020 (para 8.7.2), and goes on to explain that "...It is acknowledged that 2.5 years is substantially below the required 5 years". The Sewell Park decision will result in the Council housing supply increasing to 2.64 years, assuming it will be delivered in full in the 5-year period;
  - "...*There is also a clear and pressing need for affordable housing within the District*" (para 8.7.2), and that "...*The Council is currently failing to meet its statutory duty for the provision of plots for self-build housing*" (para 8.7.1);
  - The provision of housing therefore weighs heavily in favour of the Sewell Park proposal, and that how much weight is a matter of planning judgement, informed by material considerations such as the recent Colney Heath Appeal decision (para 8.7.3). SACDC confirmed that this June 2021 appeal decision considered the very same housing and affordable housing position in the District, and applied this to the determination of the Sewell Park application. SACDC confirmed (para 8.7.4) that there is no material reason for officers to apply a different weighting to other planning applications, as the housing situation and the emerging plan situation are the same. Accordingly, SACDC attached very substantial weight to the delivery of market and affordable housing, and substantial weight to the delivery of self-build plots.
- xii. It is considered that there are a number of similarities between the Sewell Park decision and the Applicant's Site circumstances and Proposed Development (e.g. limited harm to the openness of the Green Belt (confined to the Site Boundary), but this harm would not provide a clear reason for refusing planning permission particularly as the adverse impact of granting planning permission would not significantly and demonstrably outweigh the benefits of the Proposed Development (including the delivery of significant benefits including market sale homes, self-build homes, 40% affordable housing, land for a new 2FE Primary School, publicly accessible open space and other benefits). This matter is discussed in Sections 7 to 9 of this Statement.

*Burston Nurseries Ltd, North Orbital Road, Chiswell Green, St Albans ('Burston')*

- xiii. The Burston appeal decision (Ref: APP/B1930/W/21/3279463) was allowed on 31st January 2022 for the demolition of all existing buildings, structures and hardstanding and redevelopment of the site to provide a new retirement community comprising 80 assisted living apartments with community facilities and 44 bungalows together with associated

access, bridleway extension, landscaping, amenity space, car parking and associated and ancillary works.

xiv. In the Inspector's Report explained that:

- The development would not impact on the openness of the Green Belt beyond the site itself due to the level of containment (para 22); and
- Having regard to NPPF paragraph 11(d), due to the absence of a 5-year housing land supply, the application of NPPF policies that protect areas or assets of particular importance such as Green Belt and listed buildings do not provide a clear reason for refusing the development. Any adverse impact of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole (para 83).

xv. It is considered that there are a number of similarities between the Burston decision and the Applicant's Site circumstances and Proposed Development (e.g. limited harm to the openness of the Green Belt (confined to the Site Boundary), but this harm would not provide a clear reason for refusing planning permission particularly as the adverse impact of granting planning permission would not significantly and demonstrably outweigh the benefits of the Proposed Development (including the delivery of significant benefits including market sale homes, self-build homes, 40% affordable housing, land for a new 2FE Primary School, publicly accessible open space and other benefits). This matter is discussed in Sections 7 to 9 of this Statement.

#### *Other Appeal Decisions*

xvi. There are other allowed appeal decisions that have been allowed in similar circumstances that can also be considered and include:

- Sun Lane and Ilkley Road in March 2021 (ref: APP/W4705/V/18/3208020) which confirms that the provision of new primary school can attract great weight and net benefits for biodiversity can attract significant weight in planning balance;
- Land South of Heath Lane, Codicote in September 2021 (ref: APP/X1925/W/21/3273701) which confirms that very substantial weight can be given to critically needed housing benefits and other benefits such as a local school expansion.

xvii. It is considered that there are a number of similarities between the above decisions and the Applicant's Site circumstances and Proposed Development (e.g. limited harm to the openness of the Green Belt (confined to the Site Boundary), but this harm would not provide a clear reason for refusing planning permission particularly as the adverse impact of granting planning permission would not significantly and demonstrably outweigh the benefits of the Proposed Development (including the delivery of significant benefits including market sale homes, self-build homes, 40% affordable housing, land for a new 2FE Primary School, publicly accessible open space and other benefits). This matter is discussed in Sections 7 to 9 of this Statement: